

LABOR'S PLAN TO FIX THE NDIS



Labor



A Fair Go
For Australia

MESSAGE FROM BILL SHORTEN



It took a Labor Government to build the NDIS, and it will take a Labor Government to get it back on track.

Under the Liberals, the NDIS rollout has been too slow. The scheme has become too bureaucratic and the experiences of people with disability, families and carers has often been poor.

This is not how the NDIS was supposed to be.

Labor created the NDIS to give people with disability choice and control over their lives. But under the Liberals, too many people with disability, families and carers feel the scheme is not delivering on what was promised.

After five ministers in five years, it's time to get the NDIS back on track.

Only a Shorten Labor Government can be trusted to fix the NDIS.

We will put people with disability at the centre of the NDIS once again, so people get the supports they need to have real choice and control over their lives.

Labor will make the scheme more responsive, less complex and more people-focused. Our plan includes:

1. A new culture that puts people with disability first.
2. Establishing an NDIS Future Fund.
3. More, better-trained staff.
4. Better planning, more choice and easier reviews.
5. Ensuring equitable access to the NDIS.
6. Fixing the gaps between the NDIS and mainstream services.
7. Valuing a skilled disability workforce.
8. Keeping people with disability safe and boosting advocacy.
9. A strong disability services sector.
10. Improving research and evaluation.

Labor's plan has been developed after extensive consultation with people with disability, families, carers, advocates, workers and providers across Australia.

A Shorten Labor Government will seek the support of the states and territories for this plan and issue a formal directive to the NDIA Board under section 125 of the NDIS Act, to quickly get the NDIS back on track.

A handwritten signature in blue ink that reads "Bill Shorten". The signature is fluid and cursive.

Bill Shorten

A NEW CULTURE THAT PUTS PEOPLE WITH DISABILITY FIRST

A Shorten Labor Government will ensure the NDIS puts people with disability first.

Under the Liberals, the NDIS has not realised its potential. While outcomes for some people have been good, many feel the scheme is too complex and full of red tape. People with disability and their families continue to have to fight for the services and supports they need.

People with disability say they often aren't believed, and that assumptions are being made about their life and needs. Poor-quality plans are being imposed upon people, rather than agreed.

The NDIS should be improving the lives of people with disability, families and carers, not making life more complex. The NDIS should not be a distant, impersonal and difficult web of rigid processes.

“Dealing with the NDIS should be easy and straightforward”

Labor will work with the NDIA and its dedicated staff to build a new culture of respect, dignity, trust and responsiveness. The new culture will ensure that the administration of the NDIS and decision making is based around three principles: transparency, consultation and co-design. This will put people with disability back at the centre of the NDIS.

If the Liberals had adopted these principles in recent years, many of the serious problems facing the NDIS would have been identified earlier and fixed sooner.



Labor believes people with disability should have consistent contacts at the NDIA and be able to talk to decision makers – particularly if they have changing needs or a complex plan. We will also cut red tape and ensure that NDIA processes, materials and interfaces are genuinely co-designed by people with disability.

People with disability should get the services and supports they need, when they need them. That is the purpose of the NDIS.

Getting back to the investment principle

The purpose of the NDIS is to improve the lives of Australians with disability – by investing in long-term capacity building, wellbeing and opportunities.

This investment approach is what should set the NDIS apart from the old systems of disability support. Early intervention and investment means better outcomes for people with disability.

It also helps avoid the need for more costly and intensive support in the long term.

Unfortunately, many people with disability feel the NDIS is taking a short-term welfare view, rather than a long-term investment approach.

A Shorten Labor Government will ensure the NDIS returns to a long-term investment model.



ESTABLISHING AN NDIS FUTURE FUND

A Shorten Labor Government will set up an NDIS Future Fund to secure the long-term financial future of the NDIS.

The Liberals have botched the rollout of the NDIS. The scheme is beset by delays and 77,000 Australians are missing out as a result. On average, people are only using half their first plan and many simply aren't getting the services they need.

Next year alone, the Liberals will short-change the NDIS – and the people who rely on it – by \$1.6 billion.

This is money that needs to be set aside for people with disability, not diverted to handouts for the top end of town.

“Funding budgeted for the NDIS must be used for the NDIS”

A Shorten Labor Government will legislate an NDIS Future Fund to secure the long-term financial future of the NDIS. The NDIS Future Fund will hold any future NDIS underspends, starting with the \$1.6 billion underspend in 2019-20. Money quarantined in the NDIS Future Fund will be for use only in the NDIS.

The NDIS Future Fund will be managed by the Future Fund.



MORE, BETTER TRAINED STAFF

A Shorten Labor Government will lift the staffing cap on the NDIA.

This will ensure a highly skilled permanent workforce that can improve services and reduce waiting times for plans, approvals and reviews.

In 2014, the Liberals imposed an arbitrary staff cap on the NDIA. This means the NDIS simply doesn't have the people to do its job properly.

The staff cap has led to a reliance on contractors and outsourcing, instead of a properly trained, permanent workforce. This has resulted in poor outcomes for people with disability, families and carers – and poor value for money.

The Productivity Commission has recommended the staff cap be scrapped. And disability advocates have been calling for its abolition for years.

Removing the staff cap will free the NDIA up to make the best long-term decisions about how to deliver quality services to Australians with disability.

“Lifting the staff cap will mean better, more consistent decisions”

Investing in training NDIA staff so they can deliver quality, people centred plans, is critical. It will also ensure Local Area Coordinators are freed up to undertake essential community capacity building and engagement as was always intended, rather than just completing plans and plan reviews.

The staff cap has no impact on the NDIA's overall funding level, which will not need to change with its removal.

BETTER PLANNING, MORE CHOICE AND EASIER REVIEWS

A Shorten Labor Government will fix the planning process so people with disability have real choice and control.

Under the Liberals, too many people report the planning process is disempowering and rigid.

Key Performance Indicators for the NDIA

Australians are waiting too long for plans, assistive technology and reviews. On average, it is taking four months for plans to be approved. Many people are waiting even longer – and there are examples of people waiting over a year for assistive technology.

This is unacceptable and must be fixed.

A Shorten Labor Government will introduce Key Performance Indicators for the NDIA. The indicators will set clear and reasonable expectations about timely processes, actions and decisions, including:

- ✓ Access decisions.
- ✓ Plan development and approval.
- ✓ Assistive technology approval.
- ✓ Access to Early Childhood Early Intervention services.
- ✓ Scheduled and unscheduled plan reviews.
- ✓ Responding to changes in circumstances.
- ✓ Approving replacement equipment, including prioritising growing children.

The new Key Performance Indicators will be set in consultation with people with disability, families, advocates and providers. Labor will legislate the Key Performance Indicators and ensure transparent reporting.

Many NDIS participants say they are not listened to, that the planning process is not properly explained and that there is little flexibility in how their plan is structured. People don't get to choose who helps them develop their plan, often don't see their plan before it is finalised, and wait too long to find out approval has been granted. This ultimately leads to delays in accessing services and supports.

“The planning process should make change possible and easy”

In too many cases, once a plan is agreed, people are left to implement it without support. This is despite serious problems with service availability in many areas, and the NDIS being an entirely new system for many people. With plan utilisation currently just 50 per cent for first plans, it is clear many people are missing out on the change promised by the NDIS.

That is not how the NDIS was designed to work.

Labor wants people to be able to use their NDIS funds in the way that works best for them. We want people with disability to be in the driver's seat. That means the planning process must be easy and flexible enough to give people real choice and control.

Labor will ensure people get more help during and after the planning process, so their plan and goals become more than just words on a page.

People with disability should be able to enjoy the same opportunities that other Australians take for granted - and use their NDIS funds to make that happen. Moving into the NDIS is a big change, and Labor will ensure people have the help they need to get their plan working the way they want it to.

Labor will ask the NDIA to urgently invest in better quality planning, more help with plan implementation and enhanced support coordination - including coordination with mainstream services where required. We will also make sure people with disability and their families have more control over the planning process, including by:

- ✓ Giving people with disability more flexibility about how they build their plan and who they can choose to help them do it.
- ✓ Ensuring people have an opportunity to view their plan before it is finalised and resolve any issues directly with the decision maker.
- ✓ Providing more help for people to put their NDIS plan into action. This will include giving people more choice about who helps them navigate the scheme.
- ✓ Increasing flexibility to shift funding between different parts of the plan as needs and opportunities change - including to access adequate transport.

- ✓ Allowing for rolling or multi-year plans. Many people do not need an annual plan review, particularly if they are happy with their plan and it is meeting their needs. People should be able to tell the NDIA when their plan needs to change.
- ✓ Facilitating plan changes without a formal review. It should be easy for people to get the support they need, and people should not have to wait months for issues to be addressed.
- ✓ Properly engaging and supporting families. Labor values the role of carers and will make the Carer Statement a standard part of the planning process. This will mean carers will routinely be asked about their role, their own life and needs, and how the NDIS can help them continue to care sustainably. The NDIS should support carers and ensure they have opportunities to rest, work and have independence.
- ✓ Supporting shared planning between mainstream services and the NDIS.
- ✓ Ensuring the planning process encourages and supports self-advocacy and capacity building.
- ✓ Requiring employment supports to be considered as a standard part of the planning process.

Backlog taskforce

A recent Commonwealth Ombudsman report found many NDIS participants were waiting up to nine months to get a review of their plans when those plans weren't meeting their needs.

The Ombudsman described the review processes as unwieldy, unapproachable, and lacking fairness and transparency.

To help clear the backlog of unscheduled reviews, a Shorten Labor Government will lift the staffing cap on the NDIA. We will also direct the NDIA to establish a special taskforce to clear the review backlog.



ENSURING EQUITABLE ACCESS TO THE NDIS

A Shorten Labor Government will ensure the NDIS works for children and young people, culturally and linguistically diverse communities, Indigenous Australians and LGBTIQI people.

The NDIS cannot be one-size-fits-all. It must deliver services in ways that meet the needs of every Australian.

This means reaching out to communities, listening and ensuring services are available that people can trust.

Under the current model, evidence-based family-centred early intervention practices which lead to the best long-term outcomes for children are not being prioritised.

Children in need of early intervention, for example, are waiting up to six months to get access to services. That undermines the whole idea of early intervention. This is holding children and families back.

Too many people from remote Indigenous communities, and people from culturally and linguistically diverse communities, are struggling to access the scheme, implement their plans and navigate services. Often people are not engaging with the NDIS because of cultural barriers or a distrust of government bureaucracy.

“The NDIS needs to work for people in all parts of Australia – and from all backgrounds”

The same is true for many people with psycho-social disability or who are homeless. People living with mental ill-health, who are too ill to navigate the system, are also missing out. And there is inadequate support for their family and carers.

The NDIS needs to actively reach out to these communities and individuals and take responsibility for ensuring Australians with disability who are eligible for support are part of the Scheme. It also needs to ensure that every participant – whatever their age, cultural or linguistic background – can access support workers equipped with the skills and training specific to their needs.

A Shorten Labor Government will take an outreach and partnership approach to reaching vulnerable people. We will direct the NDIA to pro-actively find and engage with people who are slipping through the cracks, partner with local services and advocates to earn peoples’ trust and bring all eligible Australians into the scheme.

Disadvantage or difference should not mean someone misses out on the NDIS.

Independent review of consistency and equity

A Shorten Labor Government will ask the NDIA to commission an independent assessment of consistency and equity. This is needed as there is emerging concern that not all Australians are getting equal outcomes from the NDIS.

The review will examine the consistency and quality of plans, to ensure equity for:

- ✓ People from regional, rural and remote areas, and different jurisdictions.
- ✓ Culturally and linguistically diverse communities.
- ✓ People with complex health needs.
- ✓ People with mental ill-health.
- ✓ People from low socio-economic backgrounds.
- ✓ Aboriginal and Torres Strait Islanders.
- ✓ People in the justice system.
- ✓ Vulnerable and marginalised people, such as those who have experienced homelessness and people who need support making decisions.
- ✓ LGBTIQ people.

The review will also consider whether people with intellectual disability are receiving NDIS supports and given flexibility, independence and choice equal to other people with disability.

The purpose of the review will be to make recommendations to ensure all Australians are getting equal access and equal support under the NDIS, regardless of their background or where they live.

A different approach in remote areas

The current NDIS model is not working in remote areas and too many Indigenous people are missing out as a result. In many parts of Australia, there will never be a market for services. Labor will take a different approach in these areas, including:

- ✓ Assessing whole-of-community need.
- ✓ Working with services already in place and trusted by the community to build capacity to deliver the NDIS. This includes Aboriginal and Torres Strait Islander organisations.
- ✓ Investing in building a local workforce that will support the NDIS in the long-term.
- ✓ Putting direct purchasing or block funding arrangements in place to ensure services are available.

Labor will work with the NDIA, states and territories, services and people with disability on building strong rural and remote services for the long-term.

FIXING THE GAPS BETWEEN THE NDIS AND MAINSTREAM SERVICES

A Shorten Labor Government will develop a new National Disability Strategy, as recommended by the Productivity Commission.

We will also seek agreement from the states and territories for a new National Disability Agreement that sets out the responsibilities of governments in the context of the NDIS. These will include clear and reported targets for employment, education, housing, transport, justice, health and reducing young people in nursing homes.

While the NDIS is designed to provide reasonable and necessary supports to people with disability, it was never designed to take the place of the health system, or the schools system. Accessibility and inclusion need to be improved across mainstream services to better support all Australians, not just those in the NDIS.

“The NDIS must put the needs of people first”

At the same time, as people live longer, the aged care sector will also need to better meet the needs of people with disability.

People with disability have a right to access mainstream services just like every other Australian. Right now, the interface between mainstream services and the NDIS is not working for people with disability, especially where people need concurrent supports from the NDIS and mainstream services. People are often stuck in hospital, unable to leave prison, or simply fall between the cracks. This is particularly true for those with mental ill-health or psychosocial disability.

Labor will work with the states and territories to make sure the NDIS works better with mainstream services. We will also work with the states and territories to ensure there are adequate supports for people with disability who are not eligible for the NDIS, as part of agreeing on a new National Disability Strategy and National Disability Agreement.

A person-first approach

A Shorten Labor government will work with the states and territories towards a person-first approach, to stop people falling through the cracks between state systems and the NDIS.

A person-first approach will ensure services are provided while the division of responsibility for funding is sorted out.

A Shorten Labor Government will also ask the NDIA to ensure robust Provider of Last Resort arrangements are in place and ready for people leaving hospital or prison, as well as to support people with complex needs or behaviours, including those with mental ill-health, who are eligible for the NDIS. We can't rely on the market to provide these important services at the last minute. The NDIA needs to work with state governments to make sure they are in place.

This will mean more services will be available when people need them most. It will also reduce the likelihood that people are stuck in hospital, nursing homes or prison – or left without services – because of pointless arguments about funding between state and federal bureaucrats.

Getting young people out of nursing homes

A Shorten Labor Government will direct the NDIA to develop a national plan to get younger Australians with disability out of nursing homes. This plan will:

- ✓ Ensure the NDIS takes responsibility for developing transition options for young people in nursing homes.
- ✓ Use the key worker model to work with younger people in nursing homes to develop an individual exit strategy, with the goal of supporting people in the community.
- ✓ Ensure that aged care is an interim placement for people under 65 – and any placements are fully reviewed within 12 months.
- ✓ Improve the pipeline of NDIS-funded housing, so younger people do not go into nursing homes in the first place.

VALUING A SKILLED DISABILITY WORKFORCE

Labor will build a skilled disability workforce by investing in training and sustainably pricing disability services.

As the NDIS rolls out around the country, the demand for skilled workers will increase significantly.

As many as 90,000 extra NDIS workers will be needed over the next five years to meet the needs of the 460,000 Australians who will get access to the NDIS.

“NDIS workers deserve access to quality training and support”

Without a skilled workforce, the NDIS will simply not deliver the quality supports people with disability deserve.

Labor will support the development of a strong and skilled disability workforce by:

- ✓ Developing a comprehensive national NDIS workforce strategy, in partnership with people with disability, families and advocates; service providers; state and territory governments; TAFE; universities and unions.
- ✓ Working with providers, workers, unions and people with disability to ensure sustainable pricing that increases the supply of quality services.
- ✓ Investing \$40 million in a two-year workforce trial, including training payments to support people while they study at TAFE and access professional development. The initial trial sites will be Canberra, Townsville and Joondalup. Labor will work with states and territories to establish further sites in government.
- ✓ Allocating 20,000 TAFE places with no up-front fees for people studying to work in the NDIS and aged care sectors.

For more information on Labor’s plan for sustainable NDIS pricing, see *A Strong Disability Services Sector*.

KEEPING PEOPLE WITH DISABILITY SAFE AND BOOSTING ADVOCACY

A Shorten Labor Government will invest in advocacy and ensure the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability leads to real change.

People with disability, their families and advocates have long been calling for a Royal Commission. It is overdue. According to the Disabled People's Organisations Australia, people with disability experience far higher rates of violence than the rest of the community, and children with disability are at least three times more likely to experience abuse than other children.

A Royal Commission is needed because it has the power to compel witnesses and make recommendations about systemic change.

Two years ago, Labor committed to a Royal Commission. But the Liberals have long opposed the idea. In this term of Parliament, they twice voted against the establishment of a Royal Commission. They also resorted to desperate political tactics - including the longest question time in history - to avoid supporting a Royal Commission.

A Shorten Labor government will amend the Terms of Reference for the Royal Commission to ensure that it considers redress. Consideration of redress is important to ensuring the Royal Commission leads to justice and healing, as well as change.

“Labor will listen to people with disability and their advocates”

It is critical people with disability have confidence in the Royal Commission. For this reason, Labor will also ensure questions raised about conflicts of interest are addressed. This will include reviewing the appointment of certain Royal Commissioners in consultation with people with disability and advocates.

A Royal Commission is an important part of making the NDIS safe and ensuring Australia has a comprehensive and consistent framework for protecting vulnerable people. A Shorten Labor Government will work urgently - alongside the Royal Commission - to get the NDIS back on track and improve support, accessibility and inclusion for people with disability.

Australians with disability deserve full and equal citizenship. That means equal opportunities in all parts of life, including education, employment, health, justice and civil society.

We have a long, long way to go before we can claim Australia is a genuinely inclusive and accessible place. The Royal Commission will play a critical role in leading the change people with disability, their families and carers have long deserved.

A Shorten Labor Government will also work with people with disability, their families, carers, advocates, providers, workers and unions to ensure the NDIS Quality and Safeguards Commission is working effectively and transparently.

More support for advocacy

A Shorten Labor Government will double existing support for Disability Representative Organisation advocacy – investing an additional \$10 million over the next four years.

Strong advocacy is essential to ensuring the interests of people with disability are foremost as the scheme rolls out across the country. Advocacy amplifies the voice of people with disability and their families. Listening to advocates is essential to getting the NDIS back on track.

People with disability, their families and their advocates spent years fighting for the NDIS. Now, because of their hard work, the NDIS is real. But as the NDIS expands, independent advocacy becomes more important, not less.

Labor also understands individual advocacy helps people navigate the scheme effectively and improves services and supports. Labor will work with the NDIA and disability advocates to help increase access to individual advocacy during the planning and implementation process.

Labor will also ensure specialist advocacy is available to support people with disability and their families to participate in the Royal Commission.



A STRONG DISABILITY SERVICES SECTOR

A Shorten Labor Government will work with the sector to improve access, choice and quality – better meeting the needs of people with disability.

Currently, NDIS plan underutilisation rates are too high. On average, people are only able to use half their first NDIS plan. This means once a person's plan is approved, they are struggling to access the services they need.

Often this is because services simply aren't available in the local area. Or the right choice of services isn't there. Unless we improve the supply and quality of services for people with disability, old models of care will mean the NDIS can't deliver on its promise.

The NDIS means big changes in service delivery, and a huge increase in the size of the sector. But for the sector to respond, there must be leadership from government.

A Shorten Labor Government will reset the relationship with the sector and work in partnership with providers to deliver a better NDIS for people with disability.

State and federal governments have a responsibility to work with the NDIA and the sector to ensure quality, innovative and diverse services are available, so people with disability have real choice in services and supports.

“Governments and the sector must work together to make sure services are there for people”

This includes working with the sector to make sure services are available in rural, regional and remote areas.

It means ensuring new, innovative service models are developed to meet the emerging needs of people with disability as they take control of their lives, especially in housing and employment services.

It also means actively promoting self-management and choice in advocacy, so people with disability have absolute control over their lives.

For example, without government leadership, the workforce to deliver the NDIS in remote Indigenous communities will not be developed.

The Liberals have done nothing to build this essential workforce. Labor will ensure training for disability support forms part of its redesigned employment program in remote communities.

Sustainable NDIS prices for good quality services

After five years of neglecting NDIS prices, the Government made an emergency announcement just weeks out from the election. While this is an overdue acknowledgement of the pressure services are under, it is not a long-term solution.

The Liberals have put the NDIS in jeopardy by pushing providers to the edge, compromising quality and risking big services closing. This is despite spending millions on consultants' reports, rather than talking to the sector.

A sustainable NDIS means sustainable pricing. Otherwise people will continue to miss out on services.

It is clear there needs to be a new approach to setting prices. Labor will work with experts on the best way to set prices, so that the process:

- ✓ Ensures quality services, not a race to the bottom.
- ✓ Is based on the principle of investing in capacity building to achieving better long-term outcomes.
- ✓ Consults widely with the sector and listens to the real-world experience of running disability services.
- ✓ Is transparent and ensures workers are fairly paid.
- ✓ Delivers the NDIS on budget and with value for money.

Labor will also ensure that services, advocacy organisations, the NDIA, state and federal governments and unions work together to take responsibility for sector stewardship and development. This is not something that can simply be 'left to the market'.

Reasonable requirements for service providers

Current rules are causing individual therapists and small practices to pay thousands of dollars for financial audits.

This is discouraging many therapists from providing NDIS services and contributing to long wait times for people with disability.

A Shorten Labor Government will work with the sector, and the NDIS Quality and Safeguards Commission, to address restrictive cost barriers for services. We will ensure this does not compromise quality, safety or accountability for public money.

IMPROVING RESEARCH AND EVALUATION

Labor will ensure greater transparency in NDIS data and improved access for researchers, so the scheme can adapt and be the best it can be.

Proper research and evaluation are critical to getting the NDIS right.

A scheme of this magnitude should be properly monitored, evaluated and interrogated by leading researchers.

“The NDIS should keep getting better”

To facilitate a better culture of research and evaluation both within and outside the NDIS, Labor will release scheme and participant data with no personal identifiers. This information can then be linked to other data sets, so that independent research organisations can provide advice on the best ways to improve outcomes for people with disability and deliver the scheme sustainably.

Labor will also encourage collaboration by the NDIS with researchers across sectors, to inform improvements in mainstream services that will benefit all Australians.



A UNITED LABOR TEAM WILL PUT PEOPLE FIRST

From the day Bill Shorten became Leader, Labor's team has remained united, with a single-minded commitment to delivering policies that put people first. A healthcare system underpinned by Medicare. An education system that gives every child in every school more individual attention – public, Catholic or independent. University and TAFE that are accessible for all.

**We have put forward our positive plans.
We are united. We are ready.**



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