

**BUDGET ESTIMATES 2016-2017:
AGEING AND DISABILITY**

Questions taken on notice at the supplementary hearing

- 1. Elucidate what exactly are the NDIS targets as detailed in the bilateral agreement?**

Excerpt (p.3 transcript):

The Hon. DANIEL MOOKHEY: Are you able to elucidate what exactly are those targets? We have got Q1 at 15,000, of which there is 17,000 of that has been cleared.

Ms TAYLOR: They are published in our bilateral agreement. I am happy to provide a snapshot of what is in the agreement. It is quite a complex set of numbers, but I am more than happy to provide those.

The Hon. DANIEL MOOKHEY: Great. That would be helpful, thank you.

ANSWER:

The Bilateral Agreement between the Commonwealth and NSW for transition to an NDIS outlines the estimated participant intake, and is available at the ndis.nsw.gov.au website.

- 2. Is there somewhere we can go where there is an organisational chart that we can look at that actually places a name on all these various committees so that we can see what the structure currently is in New South Wales as we speak?**

If you are able to provide the names of people on those committees, that would also be appreciated as well, if such names are available.

Excerpt (p. 4 - 5 transcript):

Ms TAYLOR: That includes Health, Justice of course, Education and Communities and also Transport. They are the principal agencies within New South Wales, along with the Department of Premier and Cabinet, of course.

The CHAIR: Without cutting across the discussion, I just want to ask a quick question: Is there somewhere we can go where there is an organisational chart that we can look at that actually places a name on all these various committees so that we can see what the structure currently is in New South Wales as we speak?

Ms TAYLOR: I am very happy to provide the governance structures to you.

The CHAIR: Yes.

Ms TAYLOR: There are high-level views of the governance arrangements on the www.ndis.nsw.gov.au website, I understand. I will need to confirm that for the Committee. I am more than happy to provide the Committee with a more

detailed structure about the local governance, which is very new. It was put in place from July, obviously, to manage full-scheme implementation. Those local committees feed into a New South Wales governance structure and then there is the capacity if, in the course of the deliberations of some of those local committees, they see issues arising with people or with service providers that suggest issues Wednesday, 5 October 2016 Legislative Council Page 5 AGEING, DISABILITY SERVICES UNCORRECTED with how the national policy is unfolding, and those issues can be escalated into national policy committees also.

The CHAIR: If you are able to provide the names of people on those committees, that would also be appreciated as well, if such names are available.

Ms TAYLOR: Yes. They are all officials within respective departments.

The CHAIR: Yes. If you could provide that, that would be good.

Ms TAYLOR: Certainly.
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ANSWER:

The National Disability Insurance Scheme is overseen in NSW by the respective Secretaries with portfolio responsibility, as outlined on the www.ndis.nsw.gov.au website.

Locally, NSW government agencies work with the National Disability Insurance Agency (NDIA) in arrangements articulated within the NSW Operational Plan.

There are also four Regional Operational Working Groups representing each of the NDIA regions in NSW. The membership includes representatives from the NDIS, FACS, NSW Department of Premier and Cabinet, NSW Health, Department of Justice, Department of Education, Transport for NSW, and Aboriginal Affairs NSW.

3. Provide the NDIA's boundaries for their regions.

Excerpt (p5. transcript):

The Hon. DANIEL MOOKHEY: Great. That is okay. The only reason I was asking is that otherwise I would just read it to you to clarify some of the detail that has been provided for questions on notice. Specifically about these local interagency working groups, the Minister tells us continue to operate with the National Disability Insurance Agency meeting with Health on a regular basis and local issues are addressed as they arise. I do understand that this might be clarified in the information you will provide to the Committee through Mr Donnelly, but how many local interagency working groups exist currently?

Ms TAYLOR: There are four.

The Hon. DANIEL MOOKHEY: Where are they?

Ms TAYLOR: They are located around each of the four National Disability Insurance Agency regions. Those regions are extensive. I cannot tell the Committee off the top of my head what the boundaries are.

The CHAIR: We can get that on notice.

Ms TAYLOR: We are more than happy to provide the insurance agency's boundaries for their regions.

ANSWER:

The table below outlines the NDIA Regions in NSW and NSW Service District.

NDIS Region and Regional Office	NSW Service District
NSW Central (NSW 1) Penrith	Nepean Blue Mountains
	South Western Sydney
	Western NSW*
South Australia St Marys	Far West*
NSW North (NSW 2) Newcastle	Central Coast
	Hunter New England
	Mid North Coast*
QLD South Robina	Northern NSW*
NSW Sydney (NSW 3) Parramatta	Northern Sydney
	Western Sydney
	South Eastern Sydney*
	Sydney*
NSW South (NSW 4) Wollongong	Southern NSW
	Illawarra Shoalhaven*
	Murrumbidgee*
VIC North Broadmeadows	Murrumbidgee*

*Year 2 Districts

4. What is the jurisdiction of the local interagency working groups and what are their terms of reference?

Excerpt (p. 5 transcript):

The Hon. DANIEL MOOKHEY: What is the jurisdiction of the local interagency working groups, and what are their terms of reference?

Ms TAYLOR: I am happy to provide the terms of reference to the Committee.

ANSWER:

I am advised:

The Regional Operational Working Groups (ROWGs) have been established in the four National Disability Insurance Agency (NDIA) regions within NSW.

The ROWG Terms of Reference have been attached separately.

5. Provide an anticipated breakdown of existing and new participants in the NDIS for each of the districts in New South Wales.

Excerpt (p.7 transcript):

The Hon. DANIEL MOOKHEY: To progress things, I will ask about some of the specific districts that I mentioned earlier. You said that there are people participating in the NDIS in northern Sydney. How many people have access to the NDIS in northern Sydney? Do you want to take that question on notice?

Mr LONGLEY: If you wish to deal with the district level, we would need to take the question on notice.

Ms TAYLOR: We do not have that data at present. The data we have relates to New South Wales in total. The actuaries' report for the end of the quarter, which we expect to receive in early November—as do all jurisdictions—will provide a breakdown. However, it will be a breakdown by the National Disability Insurance Agency boundaries, not our own. We will then make an assessment based on the individuals we are aware of with regard to the distribution across regions.

The CHAIR: Will that report be made publicly available?

Ms TAYLOR: Yes, the actuaries' report is publicly available. It is a quarterly report that gives an update of the scheme. New South Wales then publishes supplementary detail on a quarterly basis. Even though the rollout as we described it is based on FACS districts—that is, the first 50 per cent and the remaining 50 per cent in year two—the targets for New South Wales are on a whole-of-State level. There are no specific targets for each district in our bilateral agreement. However, the pace at which we now expect the rollout to occur will mean that on a cohort basis—which adds another layer of complexity—we would expect a very swift intake of individuals across all of those districts fairly equitably.

The Hon. DANIEL MOOKHEY: The point you are making is that you do not have the data now, but you anticipate having it.

Mr LONGLEY: Not by district. We have to interpolate, and we cannot do that until we get the NDIA quarterly report.

The Hon. DANIEL MOOKHEY: Of all the districts in which you are rolling it out, which do you anticipate will be in the top five in terms of the number of people participating?

Ms TAYLOR: In terms of existing clients?

The Hon. DANIEL MOOKHEY: Existing and projected.

Ms TAYLOR: We are happy to provide the anticipated breakdown of existing and new participants for each of the districts in New South Wales. That data is available, I simply do not have it with me today.

ANSWER:

FACS DISTRICTS - ESTIMATE OF CLIENT NUMBERS FOLLOWING TRANSITION TO NDIS				
DISTRICT	ESTIMATED CLIENT NUMBERS FOR HUNTER TRIAL AND NEPEAN BLUE MOUNTAINS EARLY ROLL OUT	ESTIMATED EXISTING NSW CLIENT NUMBERS at 30 June 2016 *	ESTIMATED NEW NDIS PARTICIPANT NUMBERS at 30 June 2019 +	ESTIMATE OF PEOPLE WITH DISABILITIES in NSW at 30 JUNE 2019 ▲
YEAR 1 TRANSITION DISTRICTS				
Central Coast		3,300	4,400	7,700
Hunter New England	10,100	5,300	6,500	21,900
Nepean Blue Mountains	2,000	2,100	4,000	8,100
Northern Sydney		4,600	3,900	8,500
South Western Sydney		7,000	15,700	22,700
Southern NSW		2,100	2,000	4,100
Western Sydney		6,900	10,200	17,100
YEAR 2 TRANSITION DISTRICTS				
Far West & Murrumbidgee		5,400	1,500	6,900
Illawarra Shoalhaven		5,800	3,200	9,000
Mid North Coast		4,200	1,700	5,900
Northern NSW		5,200	2,200	7,400
South Eastern Sydney		6,600	3,000	9,600
Sydney		5,800	2,900	8,700
Western NSW		5,500	1,000	6,500

* Year 1 Districts: ADHC and Service Provider client data provided to NDIA in June 2016; Year 2 Districts: MDS 2014-15 client population.

+ Estimate is calculated on Scheme Actuary projections for people with disabilities in NSW by 30 June 2019, less the estimated existing NSW clients

▲ Scheme Actuary projections for people with disabilities in NSW as at 30 June 2019.

6. Could explain what are the 26 service lines that are available through ADHC?

Excerpt (p.8 transcript):

The Hon. DANIEL MOOKHEY: You mentioned ADHC. Will you explain to us the services that are currently provided by ADHC?

Mr LONGLEY: Ageing, Disability and Home Care?

The Hon. DANIEL MOOKHEY: Please.

The Hon. BRONNIE TAYLOR: Is that what ADHC stands for, just for Hansard?

Mr LONGLEY: Yes. Ageing, Disability and Home Care is—I suppose these days we tend to use the expression in two senses. There is a narrower sense, which is really oversighting the whole transition process to the NDIS, making sure that whole-of-government works well, making sure the interface with the Federal Government is going appropriately, making sure the services that we deliver—and we deliver about 40 per cent of disability services in New South Wales—is properly oversighted and then that second bigger element is, in fact, the delivery of those services through the districts and so on. Under our current arrangements, delivery of those services into the districts is principally worked through another deputy secretary to make sure that activity happens effectively and gets attention while we are doing this big transition exercise.

The Hon. DANIEL MOOKHEY: ADHC have divided their services into 26 blocks or lines is another way of putting it. Is that correct?

Mr LONGLEY: I would tend to think of it not quite in 26 lines. That is probably in respect of particular service deliveries that you are referring to.

The Hon. DANIEL MOOKHEY: That is what I am getting to. Is that correct—there are 26 of them?

Mr LONGLEY: I would not have thought of the number specifically off the top of my head.

The Hon. DANIEL MOOKHEY: Forgive me if I have that level of detail. I was going to ask you if you could explain what are the 26 service lines that are available through ADHC. You might wish to take that on notice.

Mr LONGLEY: I am very happy to take that on notice and put a brief descriptor on the lines of service that we deliver.

ANSWER:

I am advised:

For the purposes of the recent Expression of Interest in relation to the transfer of FACS specialist disability services, FACS services were broken down into 26 lines of service, primarily based on geographical boundaries. This does not necessarily relate to how Ageing, Disability and Home Care provides services.

7. Provide details of the additional mechanism proposed for people to have input into the transfer process

Excerpt (p.9 transcript):

Mr LONGLEY: We have already held 150 consultations with disability services and families in part of this process.

The Hon. DANIEL MOOKHEY: When did that happen?

Mr LONGLEY: We can give you the detail of that, but that has happened the last six to eight months.

Ms CAMPBELL: Yes, March-April.

The Hon. DANIEL MOOKHEY: But you envisage an additional mechanism may take place?

Ms CAMPBELL: Yes.

The Hon. DANIEL MOOKHEY: And you will come back to us with details of what that is?

Ms CAMPBELL: Yes.

ANSWER:

The NSW Government has and will continue to provide opportunities for people with disability, their families or carers to be involved in the transfer process. To date, more than 1200 people have attended close to 150 family forums to discuss the transfer.

The Expression of Interest for the transfer included the valuable feedback from these forums as part of the selection criteria. This is in addition to the existing communication channels, such as the 1800 number and the mailbox.

I am advised further information will be sent to clients and families in late 2016 inviting them to register to attend presentations, which will be held in early 2017. At the presentations, shortlisted providers will present their capabilities and experience in supporting people with a disability to clients and families.

8. How many people have needed "provider of last resort" services in the last 12 months or 24 months or both?

Excerpt (p.14 transcript):

The Hon. DANIEL MOOKHEY: The Government's response to the 2013 report of the Legislative Assembly of New South Wales Committee on Community Services states that the New South Wales Government continues to provide human services directly in all cases where there is significant risk of service failure to individuals or communities if such services are contracted out to non-government providers and that Family and Community Services has implemented a range of strategies designed to mitigate the risk of failure. Does that ring a bell in general? What exactly are the strategies that Family and Community Services have implemented to mitigate the risk of service failure to people with particularly complex needs?

Mr LONGLEY: Effectively there are probably two elements to that. Essentially it is around "provider of last resort"; that is an area that we identified very early on as being very important. All people with disability in New South Wales who receive disability services are clients of the Government in that sense because we are the ones who either fund the non-government organisation [NGO] provider who provides the services to them or we fund our own services which provide the services to those people. So whether it is our service, obviously, or whether it is an NGO provider, if the placement or some problem arises then we will work to restore the working relationship that needs to be there, if it is possible to, or to ensure that that client is receiving services usually from another NGO. So we have response people who are overwhelmingly locally based. They will know the providers. They will often know the clients themselves, or the issues, particularly if the clients are at the complex end, because these are the people who will usually have multiple service requirements.

The Hon. DANIEL MOOKHEY: How many people have needed "provider of last resort" services in the last 12 months or 24 months or both?

Mr LONGLEY: It is not a big number. I do not know it off the top of my head but I am happy to provide that to the Committee. This is in the handfults, typically. It is a matter of making sure that where these issues arise they are dealt with in a way that the needs of the client are always paramount, that they are always being satisfied to the best capability we have within the resources that we have, and that it is done at a local level rather than through reams of procedures and processes and so on. It is done with the providers and—

The Hon. DANIEL MOOKHEY: The data is recorded, is it?

Mr LONGLEY: I am sorry?

The Hon. DANIEL MOOKHEY: That data is recorded?

Mr LONGLEY: There will be some data around that. Oftentimes it will be a smooth transition from one provider to another. If there is an issue, sometimes those matters get escalated. What data we have, I am happy for us to provide to the Committee.

ANSWER:

The NSW Government is committed to ensuring support for people with complex needs and ensuring a smooth transition to the NDIS. The Government has sequenced the transfer of disability services to manage the needs of complex clients and to encourage the retention of specialist capacity in the market.

The NGO sector has the flexibility and responsiveness required to meet the needs of the most vulnerable people in NSW and many clients with complex needs already live in NGO operated group homes and receive other critical and necessary supports from them.

Currently, where support arrangements fail, or where a change in service is needed, FACS works with the person and other providers to find an alternative solution. This solution is usually with another NGO.

Under the National Disability Insurance Scheme, the National Disability Insurance Agency (NDIA) will take on the role of ensuring people have access to the supports they need, including working with providers to support people in crisis situations.

In the case that people have difficulty finding a suitable provider, the NDIA will fund support coordination to assist them in locating a provider.

9. How many contracts has the department terminated for breaching service delivery standards in the past three to five years?

How many have been subject to remedial action?

Excerpt (p.16 transcript):

The Hon. DANIEL MOOKHEY: How many contracts has the department terminated for breaching service delivery standards in the past three to five years?

Ms TAYLOR: I can give you those statistics. There are not many. Our focus is on remediating issues rather than ceasing funding, so our general rule is that our people—

The Hon. DANIEL MOOKHEY: I will ask you two questions: How many have been subject to remedial direction?

Ms TAYLOR: I will have to get those statistics for you out of session.

The Hon. DANIEL MOOKHEY: Feel free to take this out of session just to elaborate, but are you able to break that down by district as well, by FACS district?

Ms TAYLOR: I will have to advise the Committee out of session whether that is available. Can I just—

The Hon. Dr PETER PHELPS: You have a situation where particular providers might be cross-district.

Ms TAYLOR: Yes.

Mr LONGLEY: Yes, I was about to say so, multi-district. There are quite a lot of those.

The Hon. DANIEL MOOKHEY: Or perhaps we can clarify in which districts remedial action has been required to be taken. A provider may require remediation in one district or one premises in one district without necessarily having others. That is what I am more interested in.

Ms TAYLOR: As Mr Longley points out, a provider may deliver across a number of districts. They also might deliver a range of different service activities. Sometimes there can be the need for remediation in one particular service in a local area and there will be no issues in the other.

The Hon. DANIEL MOOKHEY: Of course.

Ms TAYLOR: We will advise the Committee about what data is available on a district level about those incidences.

The Hon. DANIEL MOOKHEY: But you will do your best to provide us with the data as well?

Ms TAYLOR: Yes.

ANSWER:

In relation to the number of contracts terminated for breaching service delivery standards I refer you to question 99 in the *Budget Estimates Ageing, Disability Services 2016-2017 supplementary questions*.

In relation to number of services subject to remedial action, FACS' Ageing, Disability and Home Care division administers funding through its Funding Agreement with disability service providers. FACS' Contract Management Guidelines give practical guidance to contract managers on taking remedial action.

10. How many vacancies exist in supported accommodation?

Excerpt (p.17 transcript):

The Hon. DANIEL MOOKHEY: How many vacancies exist in supported accommodation?

Mr LONGLEY: We will provide that information on notice.

ANSWER:

I am advised:

Decisions of accommodation support allocation are made on the basis of priority of need and suitability rather than the length of time a person has been registered. The Department of Family and Community Services records and manages accommodation support options through a system called the Accommodation Support Register (ASR).

Details of anyone who is determined eligible are placed in the ASR and are identified either as a person with an immediate or future need for accommodation support.

11. How many clients are on the waiting list for supported accommodation?

Excerpt (p.17 transcript):

The Hon. DANIEL MOOKHEY: How many clients are on the waiting list for supported accommodation?

Mr LONGLEY: We do not have a waiting list per se because supported accommodation is not like hospital beds. There is a matching process. I will use the example of a group home. A vacancy might arise in five-person, five-bedroom group home, but you cannot simply dump the next person on the list into that accommodation.

The Hon. DANIEL MOOKHEY: How many people have requested supported accommodation?

Mr LONGLEY: We are happy to provide that information. However, many people use the analogy of a hospital.

The Hon. DANIEL MOOKHEY: I am not doing that.

Mr LONGLEY: It is much more individualised. We are happy to provide that information.

The Hon. DANIEL MOOKHEY: I will clarify the question. How many clients have requested supported accommodation but are yet to have it provided as of today?

Mr LONGLEY: Again, it is not necessarily a time question. People might be requesting accommodation but in the future, not now.

The Hon. DANIEL MOOKHEY: Feel free to provide as much data as you want.

Mr LONGLEY: We are happy to do so.

The Hon. Dr PETER PHELPS: On the other hand, the Hon. Daniel Mookhey might like to clarify what information he wants.

The Hon. DANIEL MOOKHEY: I am interested in how many people have made requests for supported accommodation. I am not trying to feather or otherwise clarify it.

Ms TAYLOR: People in the State system may have sought supported accommodation or may be seeking it. The point Mr Longley made earlier is critical. We are talking about a rationed system in New South Wales, and the capacity for the State to provide supports to the maximum needs of every individual has been limited. The NDIA will assess the reasonable and necessary supports of every individual in the system. Very few of the people who have sought accommodation from us are not receiving other supports and therefore would not be prioritised into the scheme over these two transition years.

The Hon. DANIEL MOOKHEY: I accept the caveats you have attached. However, I simply want data about the number of outstanding requests for supported accommodation and how long they have been outstanding.

Mr LONGLEY: We will provide whatever information we are able to provide.

ANSWER:

I refer you to the response provided to question 10.

12. How many requests for supported accommodation have been made arising from an immediate crisis?

Excerpt (p.18 transcript):

The Hon. DANIEL MOOKHEY: You may wish to take this question on notice. How many requests for supported accommodation have been made arising from an immediate crisis?

Mr LONGLEY: Again we are happy to provide that information to the Committee.

ANSWER:

I refer you to the response provided to question 10.

13. How many clients have exited non-government organisation day placements and non-day placements in the past 12 months as a result of their inability to manage challenging behaviour?

Excerpt (p.18 transcript):

The Hon. DANIEL MOOKHEY: You may also wish to take this question on notice. How many clients have exited non-government organisation day placements in the past 12 months as a result of their inability to manage challenging behaviour?

Mr LONGLEY: I am not sure that we have that information, but we will provide what we have.

The Hon. DANIEL MOOKHEY: I would like the data for day placements and non-day placements.

Mr LONGLEY: We will see what information—

The Hon. Dr PETER PHELPS: Challenging behaviour, preferably split into those two categories?

The Hon. DANIEL MOOKHEY: Yes.

ANSWER:

I am advised:

The Department of Family and Community Services (FACS) does not keep a record of the reasons why clients exit non-government service providers.

FACS promotes a responsive, proactive approach to supporting service providers and clients who display challenging behaviours, including providing behaviour intervention strategies and plans.

14. How many times has the NSW Standing Committee on the Prevention of Abuse in Older People met this year?

Excerpt (p.20 transcript):

The CHAIR: With respect to the ageing question, how many times has the New South Wales standing committee on the prevention of abuse to older people met this year? If you do not know, could you take it on notice?

Mr LONGLEY: We are happy to take that on notice. I am not sure that is within our purview, but we will take it on notice and respond accordingly.

The Hon. BRONNIE TAYLOR: We asked that question about elder abuse.

The CHAIR: We are dealing with ageing.

Mr LONGLEY: Elder abuse is more within the Family and Community Services portfolio. We will respond accordingly in any case.

The CHAIR: I was not looking to bowl a curly.

Mr LONGLEY: Ageing, Disability and Home Care talks about ageing, but there are different elements to that.

The CHAIR: I understand that. You will take that question on notice and come back with an appropriate answer.

ANSWER:

I am advised:

The NSW Steering Committee on the Prevention of Abuse of Older People has met three times this year, with another meeting planned for later in the year.

15. Do you know the percentage rate per year of the number of people who leave the [community services] industry?

Excerpt (pp.20 – 21)

The Hon. DANIEL MOOKHEY: Has FACS or any other New South Wales government agency maintained data on workforce demographics of the relevant sectors?

Mr LONGLEY: Of our own employees we would obviously have that, but not for the employees of all of the NGOs out there.

The Hon. DANIEL MOOKHEY: Are you aware of any agency nationwide that maintains such data?

Mr LONGLEY: I think the NDIA has done some work in this space.

Ms TAYLOR: There are national surveys around community services delivery.

The Hon. DANIEL MOOKHEY: Do you know the percentage rate per year of the number of people who leave the industry?

Ms TAYLOR: I will have to take that on notice.

ANSWER:

The NSW Government remains committed to supporting a thriving, high-quality workforce, and in June 2016 the Minister for Skills announced the new \$100 million Smart, Skilled and Hired initiative, one of the key priorities of which is to build the disability workforce.

Further, since its launch in 2010, Carecareers has carried over 47,000 job ads, received over 124,000 job applications and registered over 83,000 candidates. The NSW Government will continue to play an important role in the transition of the disability sector, recognising existing relationships and current responsibility we have with service providers and participants.

According to National Disability Services' *'State of the Disability Sector 2015'* (available online at www.nds.org.au), the disability and aged care workforce has grown by 15% over the two years to 2015. Further information about the Labor Force in Australia is available at www.abs.gov.au.

16. Provide publically available research on workforce issues

Excerpt (p.21 transcript):

Ms TAYLOR: As Mr Longley says, in our workforce we look at turnover and a range of other workforce indicators. The non-government workforce falls within New South Wales and the national award system, so most of the survey information about workforce exists on a national basis. There are breakdowns of those statistics at a jurisdictional level. I am unclear whether turnover rates are part of the collection. New South Wales has requested there be a greater depth in the questions collected through one of the national surveys that relates to the community services sector nationally for us to get a sense of workforce. We have in the past had some very in-depth research to feed into various reviews of the social and community services award about the workforce.

The Hon. DANIEL MOOKHEY: Would that research be contained in the submissions to Fair Work?

Ms TAYLOR: The New South Wales Government has not made any specific submissions to Fair Work.

The Hon. DANIEL MOOKHEY: Is that research publicly available?

Ms TAYLOR: Yes. I think the last round of research that we did on the workforce, which has formed the basis for the trends that we anticipate happening through the NDIS, was done in 2012. Those trends are unlikely to have adjusted in any significant way, although there is a need to look at some of the workforce trends as we transition to the NDIS. As Mr Longley said, we did in response to work done on workforce movement in the sector, both attrition and the need to increase the workforce within New South Wales well ahead of the NDIS because of our own growth rollout—so significant levels of investment by the New South Wales Government through Stronger Together and now Ready Together policy platforms—realise that meant the need for significant investment by the Government in workforce attraction strategies and retention strategies. Care Careers and another piece of work, Project Able, are key. Mr Longley quoted some statistics—

Mr LONGLEY: Yes. Care Careers has carried over 47,000 job ads, received over 124,000 job applications and registered over 83,000 candidates. This actually tells you that we have a vibrant capability here.

The Hon. DANIEL MOOKHEY: Ms Taylor, are you able to provide that research to the Committee on notice?

Ms TAYLOR: Certainly. It is publicly available.

ANSWER:

The Commonwealth Government is leading the response to national issues in regard to the market, sector and workforce. Under the bilateral agreement, NSW has committed to working with the Commonwealth to support sector and system readiness.

The Commonwealth Government will lead the delivery of the NDIS Integrated Market, Sector and Workforce Strategy, including a market oversight and stewardship function which will involve monitoring of financial viability,

identifying longer-term market risks, including thin markets. Further information about the strategy is available at <https://www.dss.gov.au>.

17. Which of the Ombudsman's recommendations in relation to the 2012-13 Reviewable Deaths reports are on track and how are they progressing.

Excerpt (p.22 transcript):

The CHAIR: I turn to the issue of reviewable deaths in New South Wales. I understand from an answer to a question on notice that the NSW Ombudsman has been provided a status report. Are you familiar with the status report in regard to reviewable deaths?

Mr LONGLEY: A status report to the Ombudsman?

The CHAIR: Yes.

Mr LONGLEY: From?

The CHAIR: I am trying to establish that. If it does not jump out at you, do not worry.

Mr LONGLEY: The department does regularly monitor, as the answer says, the progress of actions responding to that and they appear to be on track.

The CHAIR: There are 10 recommendations, which were a feature of that report covering the years 2012 to 2013. The answer suggests that the recommendations have either been implemented or are on track. Which ones are on track and how are they progressing?

Mr LONGLEY: Given the time, my guess is it is probably better if we take that on notice.

The CHAIR: That is fine.

Mr LONGLEY: I can go through some of the recommendations and say that the Department of Premier and Cabinet have given responses to a number of the recommendations and I could go through some of those. But I think taking the question on notice would be more efficient.

ANSWER:

I am advised:

Seven recommendations were specifically directed to the Department of Family and Community Services (FACS). These are recommendations 1 to 4, 6, 8 and 10. A number of recommendations are led by other government bodies and FACS provides support and contribution as required. I am advised a majority of these actions are complete, or are on track.

18. What is the full-time equivalent employment in the Reportable Incidents Team and Professional Conduct and Ethics unit?

Excerpt (pp.22 - 23 transcript):

Mr LONGLEY: If it is a service that is operated by FACS then, yes, we have internal notification processes and policies that would govern that. That would go into time frames, nature and so on and so forth, as well as having to be reported to the Ombudsman under the reportable incidents scheme.

The Hon. DANIEL MOOKHEY: Do you have your own investigators or people whose responsibility it is to investigate such incidents? Wednesday, 5 October 2016 Legislative Council

Mr LONGLEY: It depends on the nature of what has happened. If a staff member is involved in that incident then it would go through our professional conduct area as well as obviously those elements looking after the client. If they are purely client-on-client issues, which you would be aware are quite sensitive areas, then we have a team who investigates those and takes appropriate action there.

The Hon. DANIEL MOOKHEY: What is the name of the team?

Mr LONGLEY: It is a team; I am not sure it has a specific name. There is a group of people who look at those issues.

The Hon. DANIEL MOOKHEY: Is that their full-time job?

Mr LONGLEY: There is not a large number of these and, again, this is very much a local issue but they do need certain levels of—since establishing the reportable incidents scheme in 2014 we have implemented a number of strategies. Those include establishing a reportable incidents team. That is the name of the team. That is dedicated specifically to managing client-on-client matters, which is the one that I was particularly wanting to draw attention to. If there are unexplained serious injuries then that team also investigates that. As I indicated for employee-on-client matters, that is undertaken by the FACS Professional Conduct, Ethics and Performance unit that deals with those.

The Hon. DANIEL MOOKHEY: What is the full-time equivalent employment in each of those teams?

ANSWER:

I am advised:

The Reportable Incidents Team has 8 full time equivalent positions.

The Professional Conduct, Ethics and Performance Unit has a full-time equivalent of 18 positions. Responding to alleged reportable incidents is not a discrete activity of the team that can be equated to a full-time equivalent specific to reportable incidents.

19. What is the name of the policy procedure document that covers reportable incidents?

Excerpt (pp.22 – 23)

Mr LONGLEY: If it is a service that is operated by FACS then, yes, we have internal notification processes and policies that would govern that. That would go into time frames, nature and so on and so forth, as well as having to be reported to the Ombudsman under the reportable incidents scheme.

The Hon. DANIEL MOOKHEY: Do you have your own investigators or people whose responsibility it is to investigate such incidents?

Mr LONGLEY: It depends on the nature of what has happened. If a staff member is involved in that incident then it would go through our professional conduct area as well as obviously those elements looking after the client. If

they are purely client-on-client issues, which you would be aware are quite sensitive areas, then we have a team who investigates those and takes appropriate action there.

The Hon. DANIEL MOOKHEY: What is the name of the team?

Mr LONGLEY: It is a team; I am not sure it has a specific name. There is a group of people who look at those issues.

The Hon. DANIEL MOOKHEY: Is that their full-time job?

Mr LONGLEY: There is not a large number of these and, again, this is very much a local issue but they do need certain levels of—since establishing the reportable incidents scheme in 2014 we have implemented a number of strategies. Those include establishing a reportable incidents team. That is the name of the team. That is dedicated specifically to managing client-on-client matters, which is the one that I was particularly wanting to draw attention to. If there are unexplained serious injuries then that team also investigates that. As I indicated for employee-on-client matters, that is undertaken by the FACS Professional Conduct, Ethics and Performance unit that deals with those.

The Hon. DANIEL MOOKHEY: What is the full-time equivalent employment in each of those teams?

Mr LONGLEY: I do not know. I am happy to try to get back to you on that. The FACS Professional Conduct, Ethics and Performance [PCEP] unit is a FACS-wide body, so I am not sure the number will be separable there but we will try to get that information for you.

The Hon. DANIEL MOOKHEY: You were making reference to an internal policy procedure document presumably that covers their work in this area. Does that policy have a name and is it publicly available?

Mr LONGLEY: I will take that on notice and come back to you with what is the appropriate documentation around those processes.

ANSWER:

I am advised:

The Department of Family and Community Services Incident Reporting and Management Guidelines for People Accessing Ageing and Disability Direct Services.

20. Of all the incidents that have been reported under the Disability Reportable Incidents Scheme, how many have been received by month and how many have been reported to police?

Excerpt (p. 24)

The Hon. DANIEL MOOKHEY: I think we learnt either in the hearings or in the questions on notice that there have been 878 reportable incidents since the scheme's inception in 2014.

Mr LONGLEY: Yes, as a result of the Disability Inclusion Act being established that set up this whole process. There is now, thankfully, an increase in community awareness of the importance of actually reporting incidents. That is a really valuable part of this process.

The Hon. DANIEL MOOKHEY: Of those 878 incidents, how many have been referred to the police? Incidentally, who makes the decision to refer them to the police?

Mr LONGLEY: Police referrals are the obligation of the individuals concerned or the relevant organisation.

The Hon. DANIEL MOOKHEY: When you say the individuals concerned, do you mean the people who—

Mr LONGLEY: If it is a FACS-operated service our people are under instructions. Indeed, any citizen is obliged to report criminal offences to the police.

The Hon. DANIEL MOOKHEY: Have all 878 been reported?

Mr LONGLEY: In terms of the numbers around that I am happy to take that on notice because I am not sure of the statistic that you are referring to there. It would be better if we can get the actual correct information.

The Hon. DANIEL MOOKHEY: If you are going to take it on notice, of all the incidents that have been reported under the Disability Reportable Incidents Scheme how many have been received by month and how many have been reported to police by month? That would be ideal.

Mr LONGLEY: We will get you the information that is relevant and appropriate for that.

ANSWER:

The *Disability Inclusion Act 2014* amends the *Ombudsman Act 1974* by including Part 3C Protection of People with Disability. Part 3C establishes the Disability Reportable Incidents Scheme.

The Scheme requires senior executives of providers of disability supported group accommodation in NSW to notify the NSW Ombudsman within 30 days of becoming aware a reportable incident has occurred within their service.

There are four types of reportable incidents which must be reported to the Ombudsman:

1. **Employee-to-client incidents** of sexual assault, sexual misconduct, assault, fraud, ill treatment or neglect
2. **Client-to-client incidents** of sexual and physical assault (causing serious injury or involving the use of a weapon), or that form a pattern of abuse
3. **Contravention of an AVO** taken out to protect a person with disability
4. **Serious, unexplained injury** of a person with disability

I am advised according to the data provided by the NSW Ombudsman, 878 reportable incidents notifications have been received from ADHC and NGO providers as at 28 April 2016.

As of 31 August 2016, 485 reportable incident notifications have been submitted by ADHC to the NSW Ombudsman. 268 of these matters relate to client to client and serious unexplained injury and 217 relate to staff on client matters.

Of the 268 client related matters, 73 involved an alleged criminal offence and were reported to the police. Of the 217 staff on client matters, 96 were referred to the police.

21. When is the next Reviewable deaths report due?

Excerpt (pp.24 - 25)

We understand that the next reviewable deaths report is due in the not-too-distant future; is that your understanding?

Mr LONGLEY: Yes.

The CHAIR: When are we likely to expect that? Is there anything clearer in terms of a month, for instance?

Mr LONGLEY: I must admit I had been working on the basis of it being about the right time sometime in the next several months, but I had not got more precise than that, to be honest.

The CHAIR: That is fine. If you can come back with a month, after reflecting, that would be great.

Mr LONGLEY: Well, to the extent we know. It is not our report.

ANSWER:

I refer you to refer to question 1 of the *Budget Estimates Ageing, Disability Services 2016-2017 supplementary questions*.

Regional Operational Working Group

Terms of Reference

Context	<p>The NSW Government has an agreement with the Commonwealth Government to implement the National Disability Insurance Scheme (NDIS) across NSW by July 2018.</p> <p>The NSW and Commonwealth Governments, and their respective agencies, will work in partnership to implement the NDIS in NSW.</p> <p>To ensure the success of the transition in NSW, it will be critical that any risks or issues that cannot be resolved through local resolution processes are escalated to the appropriate governance mechanism.</p> <p>Three levels of governance have been identified to support the implementation of the NDIS in NSW – Bilateral Steering Committee (BSC); NSW NDIS Implementation Steering Committee (NNISC); and Regional Operational Working Groups (ROWG).</p> <p>A ROWG will be established in each of the four National Disability Insurance Agency (NDIA) regions in NSW – NSW Central; NSW North; NSW South and Sydney.</p>
Chair	<p>The ROWG is chaired by the Regional Manager, NDIA.</p>
Membership	<p>The ROWG membership will be comprised of:</p> <ul style="list-style-type: none"> • Regional Manager, NDIA • Director Service Delivery, NDIA • Director Engagement, NDIA • Director NDIS Coordination, Family and Community Services (FACS) • Principal Project Officer, NDIS Coordination, FACS • Representative, NSW Department of Premier and Cabinet (DPC) • Representative, NSW Health • Representative, Department of Justice • Representative, Department of Education • Representative, Transport NSW • Representative, Commonwealth <p>NSW Government representatives will be from a nominated executive role and will be designated to serve until 30 June 2018. DPC will inform the Chair of the nominated representatives by 31 March 2016. To ensure consistency, it is expected that nominated representatives will attend meetings and representation will not be delegated to other Departmental officers.</p> <p>Each government agency may nominate up to three non-contributing members for attendance via teleconference. Non-contributing members will not be active participants in the ROWG meeting and are to be nominated prior to the meeting with the call for agenda items.</p> <p>Subject matter experts will be invited, as needed, to support agenda items.</p> <p>Membership of the ROWG will expand in line with the NSW NDIS transition phasing arrangements.</p>
Meetings	<p>The ROWG will meet monthly with additional meetings scheduled as required.</p> <p>The frequency of meetings will be reviewed 6 months into transition.</p>

Regional Operational Working Group

Terms of Reference

Objectives	<p>To ensure, in accordance with the NDIS NSW Operational Plan, the planning, administrative, program and service delivery events and arrangements for the successful transition to, and operation of the NDIS within the region.</p> <p>Prior to the start of transition, the ROWG is responsible for communication and engagement with mainstream interfaces to support the commencement of transition.</p>
Scope	<p>The ROWG will inform and report to the NSW NDIS Implementation Steering Committee (NNISC).</p> <p>The scope of the ROWG includes the following:</p> <ul style="list-style-type: none"> • identify, manage and resolve operational issues critical to the success of the NDIS in the region within an agreed framework; • oversee and monitor NDIS transition phasing and implementation in the region in line with Operational Plan commitments • escalate issues/risks that may impact on the success of the transition to full Scheme to the NNISC via the escalation protocol; • facilitate the NDIS interface with other systems including mainstream agencies to identify issues that are critical to the implementation of the Scheme; • intersect and leverage existing local networks to support operational and administrative arrangements; • oversee and monitor regional communication and engagement strategies; • regularly report to the NNISC through progress status reports on participant transition rates, systemic implementation and policy issues.
Operations & Resources	<p>Meetings will be held via video/teleconference or face to face.</p> <p>NDIA will provide secretariat support to the working group. Call for agenda items will occur two weeks prior to the meeting and the agenda and papers will be distributed one week prior to the meeting. Minutes will be disseminated to members within 3 days of the meeting.</p>
Decision making	<p>The ROWG will seek to achieve an agreed position on operational issues at the local or regional level, within an agreed framework or delegation. Where consensus cannot be reached, issues will be escalated to the NNISC for consideration and resolution.</p>
Reporting	<p>The ROWG will monitor and report to the NNISC on regional operations in relation to transition to full Scheme on a monthly basis. This will occur through a standardised report on transition progress and operational/ implementation risks, and actions and decisions.</p> <p>The position of the ROWG within the overall governance of the implementation of the NDIS is shown at Attachment 1.</p>
Review	<p>The Terms of Reference will be reviewed bi-annually to meet the requirements of the NSW transition.</p>