

Submission
No 100

**INQUIRY INTO SERVICES PROVIDED OR FUNDED BY
THE DEPARTMENT OF AGEING, DISABILITY AND
HOME CARE**

Organisation: NSW Ombudsmans Office
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The Director
Standing Committee on Social Issues
Parliament House
Macquarie St
Sydney NSW 2000

Dear Sir/ Madam

Inquiry into services provided or funded by the Department of Ageing, Disability and Home Care (ADHC)

Under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, the NSW Ombudsman plays a key role in relation to people with disabilities. This includes handling and investigating complaints about disability services; inquiring into major issues affecting people with disabilities and disability service providers; and monitoring, reviewing and setting standards for the delivery of disability services.

We also review the care, circumstances and deaths of people with disabilities in care, and coordinate Official Community Visitors in their visits to licensed boarding houses and supported disability accommodation.

Our work is of central relevance to the terms of reference of this Inquiry. As a result, we have enclosed a number of the reports we have issued over the last few years, for your reference. These include our reports on:

- the reviewable deaths of people with disabilities in care;
- services for children with disabilities and their families;
- ADHC's monitoring of standards in boarding houses;
- complaint handling in Community Participation services;
- support for people with an intellectual disability in the criminal justice system; and
- individual planning in ADHC large residential centres.

Over the next month we will be releasing further reports of direct relevance to this inquiry, including:

- a report on ADHC residential centres and progress with devolution (to be released by end August);
- a report from our review of ADHC's implementation of its Aboriginal Policy Framework and Consultation Strategy (to be released by end August);
- a report from our consultations with families of children with disabilities about access to services and supports (to be released by early September); and



- a draft discussion paper on improving probity standards for funded organisations in the human services and health sectors (to be released by end August).

Once finalised, we will provide the Committee with a copy of these reports at the first available opportunity.

In addition to the above reports, our work, and contact with people with disabilities, families, advocates, peak organisations, service providers and other stakeholders, has indicated the following as areas of importance:

Access to supported accommodation

We hear consistently from families who are supporting their adult sons or daughters with disabilities at home that the availability of supported accommodation is insufficient to meet the demand. These families have reported to us that they are deeply concerned about what will happen to their son or daughter when they are no longer around or capable of providing support; they want greater security.

We appreciate that there are limits to government's capacity to fully meet the demand for supported accommodation. In this regard, we note the importance of the current work of the Productivity Commission in relation to the Disability Care and Support Inquiry.

However, families have also strongly communicated to us that they are not necessarily seeking for government to build more group homes or increase the number of properties it holds. Families have indicated to us that they want more options, and greater consideration of alternative means of meeting the accommodation and support needs of people with disabilities in NSW.

In this respect, families have pointed to the need for more innovative options; partnerships with families; shared equity arrangements; greater access of people with disabilities to social and affordable housing; partnerships with developers; and individualised funding packages that can be used flexibly by people with disabilities and their families to meet their needs.

A consistent message to us from people with disabilities and their representatives has been the need for greater flexibility across the spectrum of services and supports, both within the specialist disability system and in mainstream services. It is important that the quality, effectiveness and delivery of services provided or funded by ADHC is considered against the access of people with disabilities to generic or universal services and supports that are available to the broader community.

Licensed boarding houses

We appreciate that this Inquiry does not extend to licensed boarding houses as they are licensed, but not funded, by ADHC. However, we consider that there are factors relating to people with disabilities currently living in licensed boarding houses that are relevant to this Inquiry.

There are currently significant variations in service delivery and standards relating to people with disabilities, depending on the model of accommodation they reside in. The existing requirements within the *Youth and Community Services Act 1974* (YACS Act) are well below those afforded to people with disabilities residing in other forms of care, and have insufficient

focus on the quality of service provision required to meet the health, safety and wellbeing of residents.

We consider that a review of the legislation is required to resolve broader questions regarding the appropriateness of boarding house accommodation for some people with disabilities, to afford greater protection to residents of licensed and unlicensed boarding houses, and to uphold the rights of people with disabilities living in those facilities.

Our work suggests that for-profit providers alone are not in a position to deliver adequate support to people with disabilities. With high numbers of people with significant vulnerabilities and challenges in need of community-based accommodation, urgent cross-government attention needs to be directed to developing and implementing an improved accommodation, support and regulatory framework for the shared private residential services sector. Review of the YACS Act and broader reform is required to ensure that the options available to people with disabilities enable choice and provide a decent quality service.

We welcome the focus of the Interdepartmental Committee on Reform of the Shared Private Residential Services Sector on developing a whole of government approach to the broader boarding house sector. In our view, it is critical that a plan for this broader reform work is developed and progressed as a matter of priority.

Complaint handling

In addition to handling complaints about disability services, one of the key functions of our office is to review the complaint handling systems of service providers and to assist services to improve their complaint handling procedures and practices.

Through this work, we have identified the need to improve sector-wide practice in this area. We are currently working with National Disability Services (NDS) to develop a complaint handling training program specifically designed to suit the needs of the disability services sector. The program will be delivered in metropolitan and regional centres across the state in 2011.

Thank you for the opportunity to make a submission to the Inquiry. If you have any questions or would like further information, please contact Kathryn McKenzie, Principal Projects Officer, Disability, on

Yours sincerely



Bruce Barbour
Ombudsman

16/8/10



Steve Kinmond
Deputy Ombudsman/
Community and Disability Services Commissioner

16/8/10