

## **SECOND REVIEW OF THE LIFETIME CARE AND SUPPORT AUTHORITY**

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# **Second Review of the Lifetime Care and Support Authority**

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**prepared for the Standing Committee on Law and Justice  
Legislative Council**

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Views expressed by PDCN are not necessarily endorsed by the NSW Government.*

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### **1. EXECUTIVE SUMMARY**

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to provide feedback and recommendations to the NSW Legislative Council – *Standing Committee on Law and Justice* as part of the second review of the Lifetime Care and Support Authority (LTCSA).

In brief PDCN would recommend improvements to the LTCSA website to ensure that users of the service and professionals can both easily access vital information, that NSW Government departments and authorities ensure consistency when providing funds, and that funding is not provided for disability specific congregate care facilities, and that the LTCSA conforms with appropriate legislation.

### **2. TERMS OF REFERENCE**

1. *That, in accordance with section 68 of the Motor Accidents (Lifetime Care and Support) Act 2006, the Standing Committee on Law and Justice be designated as the Legislative Council committee to supervise the exercise of the functions of the Lifetime Care and Support Authority of New South Wales and the Lifetime Care and Support Advisory Council of New South Wales under the Act.*
2. *That the terms of reference of the Committee in relation to these functions be:*
  - (a) *to monitor and review the exercise by the Authority and Council of their functions,*
  - (b) *to report to the House, with such comments as it thinks fit, on any matter appertaining to the Authority or Council or connected with the exercise of their functions to which, in the opinion of the committee, the attention of the House should be directed, and*
  - (c) *to examine each annual or other report of the Authority and Council and report to the House on any matter appearing in, or arising out of, any such report.*
3. *That the committee report to the House in relation to the exercise of its functions under this resolution at least once each year.*
4. *That nothing in this resolution authorises the Committee to investigate a particular participant, or application for participation, in the Lifetime Care and Support Scheme provided for by the*

### 3. ABOUT THE PHYSICAL DISABILITY COUNCIL OF NSW (PDCN)

PDCN is the peak body representing the needs and interests people with physical disabilities across New South Wales, representing approximately 700,000 residents.<sup>2</sup>

Membership of PDCN includes people with a range of mobility issues, from young children and their carers, to aged people, living across NSW in either Greater Sydney Metropolitan area or rural NSW all from a wide range of socio-economic circumstances. PDCN has the background, knowledge and skills to advocate on all levels of Government regarding the needs and interests of people with physical disabilities.

PDCN encourages people with physical disabilities to become involved in the decision making process, so that Government and non-Government bodies become familiar with relevant issues.

PDCN effectively networks with other advocacy organisations on common goals and issues. Subsequently PDCN strives to bring about significant, permanent and positive changes to the circumstances of people with physical disabilities. The goal is to secure equal civil and human rights for our constituency.

Promotional activities assist to educate and inform all members of the community, most frequently through the media. Publications such as 'Words Matter' published by PDCN, facilitate this educative process.

PDCN is funded by the NSW Department of Ageing, Disability and Home Care (DADHC).

### 4. PDCN RECOMMENDATIONS

**Recommendation 1:** Improvements to the LTCSA website to ensure that users, both public and professionals, can easily access relevant information in the most appropriate format.

**Recommendation 2:** That the following documents be included on the LTCSA website, and readily accessible to the user:

- *Matching client needs and support worker skills in the New South Wales Motor Accident Scheme*
- *Care and support services communication procedures for the NSW Motor Accidents Scheme*
- *Attendant Care Communications Procedures for the NSW Motor Accidents Scheme*
- *Recommending care and support for children with a Brain Injury in the NSW Motor Accidents Scheme.*

**Recommendation 3:** That both the NSW Motor Accident Authority and LTCSA apply the similar priorities when funding services and programs, and that any additional funding for congregate care facilities is not permitted.

**Recommendation 4:** PDCN recommends the adoption of a Strategic Plan that actively promotes opportunities to employ people with disabilities within the Authority.

**Recommendation 5:** PDCN recommends that all LTCSA Coordinators implement employment

<sup>1</sup> NSW Parliament – Legislative Council (2009). *Second Review of the Lifetime Care and Support Authority*.

<sup>2</sup> Australian Bureau of Statistics (2003-04). *Regional Population Growth, Australia and New Zealand. 2003-04*; Australian Institute of Health and Welfare (2008). *The Health of Australians – an overview*. Canberra, 36.

and community participation as part of all Individual Rehabilitation Plans to ensure alignment with the State Plan.

## 5. DISCUSSION

### **5.1 Access to information on the Lifetime Care and Support Authority website**

**Recommendation 1:** Improvements to the LTCSA website to ensure that both users and professionals can easily access relevant information in the most appropriate format.

**Recommendation 2:** That the following documents be available on the LTCSA website, and readily accessible to the user:

- *Matching client needs and support worker skills in the New South Wales Motor Accident Scheme*
- *Care and support services communication procedures for the NSW Motor Accidents Scheme*
- *Attendant Care Communications Procedures for the NSW Motor Accidents Scheme*
- *Recommending care and support for children with a Brain Injury in the NSW Motor Accidents Scheme.*

Based on information in the *Lifetime Care and Support Authority 2007/ 08 Annual Report*, the LTCSA has initiated and implemented many policies and systems necessary to operate the current program, including:<sup>3</sup>

- Attendant Care Standard, and the Attendant Care Panel
- Discharge Equipment List
- Care Risk Management System
- Organisational Chart
- Life Costing Model
- Interagency Agreement on the Care and Support Pathways for People with Acquired Brain Injury

PDCN endeavored to access further detail about these important initiatives, but was unsuccessful in finding additional information electronically. All policies and programs relevant to service delivery need to be in *Plain English* and available in an accessible format. Access to relevant information is an important component of recovery, rehabilitation and self-empowerment. Currently the user cannot access relevant information (see list below) using the Search Button on the LCSTA website as the majority of these items are in Portable Document Format (PDF).

#### **Examples of items not readily available or easily accessible on the LCSTA website**

- Attendant care
- Accommodation options
- Aids and appliances

<sup>3</sup> NSW Government – Motor Accident Authority (2007/08) – *Lifetime Care and Support Authority 2007/ 08 Annual Report*.

- Educational opportunities
- Vocational rehabilitation

A number of relevant documents were found on the *Motor Accident Authority* (MAA) website but not on the LTCSA website. Consequently PDCN recommends these were easily available in accessible format (not-PDF) on both websites:

- *Matching client needs and support worker skills in the New South Wales Motor Accident Scheme*
- *Care and support services communication procedures for the NSW Motor Accidents Scheme*
- *Attendant Care Communications Procedures for the NSW Motor Accidents Scheme*
- *Recommending care and support for children with a Brain Injury in the NSW Motor Accidents Scheme*

## **5.2 Access to Independent Advice and Advocacy**

In response to **Recommendation 2** of the *First Review of the Lifetime Care and Support Authority*, the Physical Disability Council of NSW will provide further comment about the complaint process, the provision of independent advice and advocacy in the following submission on the discussion paper currently on public exhibition – ‘Advocacy in the Lifetime Care and Support Scheme.’

## **5.3 Injury Management Sponsorship Guidelines**

**Recommendation 3:** That both the NSW Motor Accident Authority and LTCSA apply the similar priorities when funding services and programs, and that any additional funding for congregate care facilities is not permitted.

The Physical Disability Council of NSW understands that funds previously provided by the NSW Motor Accident Authority (MAA) for the redevelopment of Ferguson Lodge were provided as a capital grant and not as part of the Sponsorship Guidelines. Whether being funded via the NSW MAA or through the LTCSA, similar funding priorities need to be adopted. Government departments and authorities need to be consistent in their approach to avoid ambiguity. Whatever the source of funding, PDCN does not support funding for congregate care facilities for permanent residents, as provided by Ferguson Lodge as these limit independence and community living. PDCN understands that Ferguson Lodge accommodates 26 permanent residents and can accommodate up to 14 residents in respite care.<sup>4</sup>

Continuing to fund congregate care facilities such as Ferguson Lodge is contrary to the *Younger People in Residential Aged Care Initiative (2006)* and the *NSW Disability Services Act (1993)*. This is a joint initiative between the Federal and State Governments to reduce the number of younger people with a disability living in or at risk of entering inappropriate residential aged care.

Residential aged care facilities are not funded to maximise the potential of residents but rather to provide adequate and proper care for very vulnerable, frail people often needing medically intensive and qualified assistance and supervision. Younger people with disabilities who live in residential

<sup>4</sup> Paraquad NSW Annual Report 2006/ 07

aged care facilities, do not benefit in terms of rights and entitlements to community living. Living arrangements must actively and specifically support the objectives to enable them to reach their maximum potential. While these objectives may be in place in facilities for older people, their implementation will be very different when applied to a young person, a middle aged person, a person of retirement age or a person in older age.

Funding from Commonwealth and the State Governments provided \$80 million for the next five years for this important initiative. This program will initially target people with disabilities living in inappropriate accommodation who are 50 years or less using the following processes:

- **Stream One** offers alternative community based accommodation and support arrangements to young people living in residential aged care facilities.
- **Stream Two** offers additional supports and services to young people living in residential aged care who choose not to move, either because their health will not allow it; or because remaining in the nursing home keeps them near their families and in their communities in remote areas.
- **Stream Three** aims to prevent young people with high and complex support needs being placed in aged care nursing homes now and in the future.

In NSW throughout 2008 approximately 30 younger people with disabilities moved from nursing home accommodation leaving 340 still at risk of institutionalisation.<sup>5</sup>

#### **5.4 NSW Disability Services Act (1993) and UN Convention on the Rights of People with Disabilities (2008)**

**Recommendation 4:** PDCN recommends the adoption of a Strategic Plan that actively promotes opportunities to employ people with disabilities within the authority.

**Recommendation 5:** PDCN recommends that all LTCSA Coordinators implement employment and community participation as part of all Individual Rehabilitation Plans to ensure alignment with the State Plan.

Legislative reform over the last 50 years has resulted in significant philosophical and social changes, moving from a Medical Model with people being institutionalised in either aged care residential facilities or otherwise a disability specific congregate care facility, to a more normative inclusive approach with the provision of community based services. The NSW State Plan draws attention to the serious need to increase employment and community participation for people with disabilities. In the most recent update, the review indicates that 9.0% of people with disabilities were unemployed, compared to 6.0% of the community, and that in the past 3 months approximately 90% hadn't participated in community activities.<sup>6</sup> This affords the individual a greater recognition of their rights as a person with disability.

<sup>5</sup> Statistics from the Younger People in Nursing Homes National Alliance website  
[www.ypinh.org.au/index.php/Information.html](http://www.ypinh.org.au/index.php/Information.html)

<sup>6</sup> State Plan – A new direction for NSW (2007 Update) F2 priority – Increased Employment and Community Participation for People with a Disability

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms for all people with disability and to promote respect for their inherent dignity. The Convention provides a basis for social inclusion of people with disability in all aspects of society. Article 3 of the Convention states the following General Principles:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.