

Submission
No 285

**INQUIRY INTO IMPLEMENTATION OF THE NATIONAL
DISABILITY INSURANCE SCHEME AND THE PROVISION
OF DISABILITY SERVICES IN NEW SOUTH WALES**

Organisation: Community Restorative Centre (CRC)

Date Received: 9 August 2018



COMMUNITY RESTORATIVE CENTRE

Thank you for the opportunity to respond to the Inquiry into the implementation of the NDIS and disability services in NSW. CRC is the lead NGO in NSW providing specialist support to people affected by the criminal justice system, with a particular emphasis on the provision of post-release programs for people with multiple and complex needs on release from custody. Established in 1951, CRC has over 65 years' specialist experience in this area, and currently manages an annual budget of over \$5 million (from 12 different funding sources) in order to operate transitional, post-release and family projects across seven sites in NSW. All CRC programs aim to reduce crime and recidivism, and break entrenched cycles of criminal justice system involvement.

For the last decade CRC has run multiple disability specific support services for people with disabilities and criminal justice system involvement. CRC participated in the NDIS trial site in the Hunter region, and has been involved in the transition of clients to the NDIS for over three years. We have now shut down all of our (formerly ADHC funded) disability services. The CJP (Community Justice Program) model is not financially sustainable for organisations such as CRC under the funding arrangements and mechanisms of the NDIS. The absence of block funding, and the inadequacy of NDIS support packages for clients with complex needs has prohibited the continuation of holistic support services which incorporated a strong housing component.

CRC has watched with growing dismay as clients who once had the opportunity to be housed and supported in the community are returning to prison primarily because there is not the supports available in the community that are required to assist in building sustainable pathways outside of the criminal justice system. There is no question that services for this population have declined significantly as a consequence of the NDIS. People with disabilities and complex needs are being managed in criminal justice system settings, rather than being supported in the community.

CRC have put together a number of papers over the last few years, on the impact of the transition to the NDIS for criminal justice system clients, particularly as it pertains to diminishing systemic capacity to build pathways outside of the criminal justice system. The links to these papers are on our website. We are also publishing a report in September this year, on the first year of the NDIS for incarcerated men and women with disabilities. We would be happy to share the

draft copy of this report (which includes multiple case-studies) with the inquiry should this be useful. We also welcome the opportunity to share our key concerns and findings for people with intellectual disability and other forms of cognitive impairment, who are also involved in the criminal justice system, most of whom at this stage have been comprehensively failed by the NDIS.

While the NDIS clearly presents an opportunity for people to receive more responsive and personalised supports, CRC holds ongoing concerns regarding the implementation of the NDIS, particularly regarding how it affects vulnerable people with complex support needs who are in contact with the criminal justice system. In summary, these very practical concerns include:

- People with cognitive impairment and intellectual disability are still not systematically identified within prison settings
- Even when people are identified there are no comprehensive mechanisms in place to support those individuals. Specialist support beds are limited (particularly outside of the metro region)
- The NDIS packages that people with disability and complex needs are receiving on release from prison are inadequate and unable to address the holistic support needs for people exiting custodial settings
- People in prison have different support needs to what they do in the community, making assessment and planning very complex
- Planners are supposed to be engaged 6 months prior to release but this does not appear to ever actually happen on the ground
- Despite the COAG justice interface principles there is still a lack of clarity in terms of responsibility for people with disabilities in justice settings. This frequently leads to buck-shifting.
- People are being held in prison for longer than what they should be when on parole because there are inadequate support and accommodation options on the outside
- There is no systematic approach from the NDIS when it comes to identifying and working with people with disabilities when they are in prison
- There are enormous inconsistencies in terms of access to services and NDIS planning. What happens in one jurisdiction does not happen in others.

In broader terms, challenges relate to the following:

- The separation of disability and non-disability related behaviours under the NDIS framework (and the unmet need for holistic support for complex needs clients)
- The complicated framework of the 'choice and control' policy of NDIS in relation to this population group who have frequently never had the opportunity to practice choice and control.
- The implications of the fee-for-service model in terms of 'cherry-picking' clients in order to ensure organisational financial sustainability meaning that clients with high or rapidly changing complex support needs are less likely to be supported holistically.

- The need to appropriately consider the risks posed to the community if this group are not adequately supported (and the poor access to services in the community for this group). For instance, there are individuals who were formerly CRC clients who have gone from 24 hour support in accommodation services to NDIS packages of less than 2 hours a week.

CRC would be delighted to expand on any of these issues, and share any of our documentation regarding the first year of the NDIS for people with disabilities inside prisons.

For more information, or to discuss any of the above, please contact: