

Submission  
No 340

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

**Name:** Name suppressed

**Date Received:** 30 August 2018

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Partially  
Confidential

**SUBMISSION TO NSW LEGISLATIVE COUNCIL INQUIRY INTO THE IMPLEMENTATION OF THE NDIS  
AND THE PROVISION OF DISABILITY SERVICES IN NEW SOUTH WALES**

**CHAIRPERSON: THE HON GREG DONNELLY MLC**

Dear Mr Donnelly,

Thank you and the Committee for the opportunity to raise some issues relating to the provision of disability and accommodation services to my intellectually disabled brother .

Background:

My moderately intellectually disabled brother is years old and from has lived in a NSW FACS owned, small group home in Western Sydney, after our father, (since deceased), became ill and was no longer able to care for

From until secure, small group home accommodation and support services were provided by NSW FACS. contributed to the cost of his service support and accommodation by way of a percentage of his Disability Support Pension.

From , NSW FACS transferred responsibility for support services to the and responsibility for his accommodation services to – both not-for-profit NGO's.

As was over the age of 65 at the time of transition from NSW FACS to NGO management and NDIS implementation, he was not eligible for NDIS funding. As a family, we felt that this was discriminatory and no real reasons have ever been provided as to why intellectually disabled people over the age of 65 at the time of NDIS implementation, like , were excluded from the NDIS and the funding and needs assessment processes associated with the NDIS.

Certainly, once approved under the NDIS, disabled people who reach the age of 65 years have the option of continuing with their NDIS funding – so it cannot be argued that NDIS does not cater for aged disabled people. It does.

Recognizing that there were approximately just under 3,000 NDIS ineligible disabled people over 65 years old under the care of NSW FACS, to be transferred to NGO management after the introduction of NDIS in NSW, the NSW and Federal Governments signed a Bilateral Agreement which outlined a “guaranteed” continuity of support under NGO management.

The subsequent Continuity of Support (COS) Program was agreed to be administered by the Commonwealth Department of Health who would directly fund either clients or NGO's to provide support and accommodation services in NSW.

As distinct from the NDIS needs assessment processes, no disability needs assessment for client's over the age of 65 years at the time of COS Program funding determination was considered necessary by the NSW & Federal Governments – just an assumption that whatever services were being provided, were appropriate to the needs of people. This has resulted in a two tiered system

of disability support in NSW. One for NDIS clients based on a needs assessment and one for COS clients with no needs assessment at the time of funding implementation. Assurances that changing needs can be assessed later on with suggestions that MY Aged Care might be a more suitable program for that, do not recognize that many services (if not all) under My Aged Care are means tested and require co-payments – thus negating the earlier assurances of no disadvantage after transition to NGO management and no change to client contributions.

A stated guiding principle of the COS Program was that existing NSW FACS disabled clients would be transferred to NGO management with no disadvantage or additional costs to the clients. COS Program Guidelines & NSW FACS state that whatever over-65 year old disabled clients were paying by way of client contributions prior to transition to NGO management, would continue to be their client contributions after transition to NGO management.

The transition from FACS management of group homes to NGO management has not occurred without some difficulties, not the least of which relates to the requirement for multiple documentation sign-offs, which many families are unused to.

Whilst under FACS management there was little or no service, support & accommodation agreements to sign off on, there was always the fact that the NSW Government was ultimately responsible for our disabled brother's care and if necessary, there would be recourse to the NSW Ombudsman's Office and/or the NSW Administrative Appeals Tribunal.

Under NGO management, this is not now the case and additionally there is no Legislative protection for residents (like our brother of NGO managed group homes).

Currently we have been asked by the NGO's to sign-off on NGO Service and Accommodation Agreements which are contrary to the Guidelines of the COS Program and earlier written undertakings by NSW FACS & material distributed by the NGO's prior to actual transition that clients would pay no more after transition to NGO management.

In respect of an Accommodation Agreement forwarded by for sign-off, there are numerous problems with it, not the least of which includes a requirement for rent calculation payments to increase after 5 years to a higher percentage (25.0% higher) of his Commonwealth Rental assistance payments than he was paying NSW FACS.

This and the flawed Accommodation Agreement document have been advised by as not able to be amended in any way, as the document was drafted by NSW FACS and was required by NSW FACS to be used by NGO's unaltered. I have attached to this submission a copy of Accommodation Agreement and table of my comments regarding it and responses to my comments.

I must confirm that we do not have any quality of service provision complaints about & Quite the contrary. Both NGO organisations have been more than helpful, within the complexities and constraints of the transition program they are working with.

So as a family advocating on behalf of our intellectually disabled brother we are mostly and currently concerned about being requested to sign-off on flawed Agreement documentation and attempts to impose additional costs on clients despite earlier assurances and COS program

**Guidelines that clients would pay no more after transition to NGO management than they were when managed by NSW FACS.**

**Thank you.**