



## ASU Submission

Australian Government

### NDIS Quality and Safeguarding Framework

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## The ASU

The Australian Services Union ('ASU') is one of Australia's largest unions, representing approximately 135,000 members. ASU members work in a wide variety of industries and occupations in both the private and public sector. The ASU represents workers throughout the not-for-profit and the NDIS and disability services sector. We are the major NDIS union in Queensland, New South Wales, ACT, and South Australia. We also represent public sector disability support workers in Queensland. The ASU's expertise in disability arises from representing the disability support workforce working in a range of different jobs roles including disability support work, care management and coordination, disability advocates, Local Area Coordinators, team leaders, and managers in disability providers.

## Executive Summary

The ASU supports a strong and effective regulatory environment for the disability sector including a service model that promotes the rights of people with disability. This regulatory system must be governed by a strong regulatory framework including standards that relate directly to the needs NDIS participants. Further, it should ensure that providers invest in their training, development, and support for their staff.

We believe there is a continuing need for a NDIS Quality and Safeguards Commission and Framework to ensure people with disability are safe while also enjoying the freedom to maximise their independence. For the workforce, this means building a skilled and highly trained workforce, where workers are encouraged to choose a career in disability and workforce retention is supported.

At its best, planning for safety and safeguards requires people with disability engaging with a skilled disability support worker underpinned by a deep understanding of the lives of people with disability. A skilled worker understands the vulnerabilities experienced by people with disability as well as understanding strategies to reduce and eliminate restrictive practices whilst promoting and facilitating the rights and interests of the people they support.

Disability support workers (DSWs) have an important role to play to ensure participants make informed choices by promoting self-advocacy and decision-making skills, and in assisting participants to be aware of their rights and to have these rights upheld. DSWs should empower people with disability to be aware of and to act on their rights and, where necessary, advocate for them and/or help them access advocacy support.

The Quality and Safeguarding Framework (QSF) must require workers to continuously develop new skills and qualifications relevant to the diverse needs of individual clients. These skills are essential to ensure that the individual rights of participants are promoted. However, the capacity for NDIS workers to have their skills recognised, to develop new skills and to attain relevant person-centred qualifications is severely limited. This has been recently acknowledged by the NDIS Review Paper: Building a more responsive and supportive workforce., with a trial of a portable training scheme being recommended.<sup>1</sup>

We welcome the recommendation to trial a portable training scheme and believe there is the potential for creating a federal authority such as a Disability Services Training Authority which could

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<sup>1</sup> NDIS Review: Building a more responsive and supportive workforce [Online]  
<https://www.ndisreview.gov.au/resources/paper/building-more-responsive-and-supportive-workforce>

easily be housed within the NDIS Quality and Safeguards Commission as it is already tasked with overseeing the screening of all workers and registering providers.

In addition, NDIS pricing arrangements need to account for time for workers and providers to meet their quality and safeguarding obligations.

Finally, all providers of supports under the NDIS should be registered, and only where there is a very good reason should providers or categories of providers be exempt to ensure quality and safeguards for participants are not undermined.

## Recommendations

**Recommendation:** The Framework should recognise the importance of advocacy in disability support work.

**Recommendation:** The Quality and Safeguards Commission should have an additional responsibility for workforce development and training to proactively focus on the quality of supports and the skills of the workforce, and should be resourced to fulfil this responsibility.

**Recommendation:** NDIS pricing arrangements need to account for time for workers and providers to meet their quality and safeguarding obligations.

**Recommendation:** Universal registration of providers should be developed in consultation with people with disability, unions and other stakeholders.

## The advocacy role of disability support workers

Disability support workers (DSWs) have an important role to play to ensure participants make informed choices by promoting self-advocacy and decision-making skills, and in assisting participants to be aware of their rights and to have these rights upheld. The NDIS Code requires workers “to be familiar with the principles underpinning the NDIS, respect the rights of people with disability, aim to prevent harm and respond appropriately if harm occurs.”<sup>2</sup>

Capacity building in terms of knowledge of rights, knowledge of complaints systems, confidence in self-advocacy are all areas that will develop natural safeguards. The ability for DSWs to recognise and reduce risk is vital. DSWs should empower people with disability to be aware of and to act on their rights and, where necessary, advocate for them and/or help them access advocacy support.

Ongoing training, professional development and appropriate supervision ensures workers can do this with confidence and are equipped with appropriate knowledge and training to act upon any breaches in quality and safeguarding issues.

**Recommendation:** The Framework should recognise the importance of advocacy in disability support work and require providers to provide training in disability advocacy to all support workers.

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<sup>2</sup> NDIS Code of Conduct [Online] <https://www.ndiscommission.gov.au/about/ndis-code-conduct>

## Investment in workforce development and training is vital

The Issues Paper identified a range of key roles and responsibilities in current quality and safeguarding arrangements. Including the limited focus to support and encourage providers and workers to engage in continuous quality improvement.<sup>3</sup>

Failure to address adequate training and support for workers to understand the QSF and the associated Code and Practice Standards, and to consistently meet their obligations under the regulatory regime are wholly inadequate.

Obligations on workers that arise out of the QSF require workers to continuously develop new skills and qualifications relevant to the diverse needs of individual clients. These skills are essential to ensure that the individual rights of participants are promoted.

However, there is currently no person-centred professional development plan for the NDIS workforce. The capacity for NDIS workers to have their skills recognised, to develop new skills and to attain relevant person-centred qualifications is severely limited. Essentially, the QSF demonstrates a very passive attitude toward the task of quality assurance and workforce development. It is heavily reliant on screening, and investigating complaints and incidents; instead of a positive approach to workforce development that would prevent incidents from arising in the first place.<sup>4</sup>

To encourage workers to choose a career in disability and ensure workforce retention is supported there needs to be an investment for capacity building to attract workers into the sector by supporting long term development through opportunities for training and professional development.

The QSF should include support for minimum qualification standards and expectations of ongoing accredited training for all workers. This would be supported by a portable training entitlement.

The recent NDIS Review Paper: Building a more responsive and supportive workforce<sup>5</sup> makes reference to the ASU's commissioned [report](#) A Portable Training Entitlement System for the Disability Support Services Sector and confirms our findings that there is a need for a portable training scheme. The NDIS Review has recommended that a portable training scheme be trialled and "should be developed in close consultation with care and support workers, employers and participants/clients."<sup>6</sup>

We welcome the recommendation to trial a portable training scheme and do not believe training would be better supported using alternative arrangements. Our report outlines there is the potential for creating a federal authority such as a Disability Services Training Authority which could easily be housed within the NDIS Quality and Safeguards Commission as it is already tasked with overseeing the screening of all workers and registering providers.

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<sup>3</sup> Ibid.

<sup>4</sup> Centre for Future Work: A Portable Training Entitlement System for the Disability Support Services Sector [Online] <https://futurework.org.au/report/a-portable-training-entitlement-system-for-the-disability-support-services-sector/>

<sup>5</sup> NDIS Review: Building a more responsive and supportive workforce [Online] <https://www.ndisreview.gov.au/resources/paper/building-more-responsive-and-supportive-workforce>

<sup>6</sup> Ibid.

**Recommendation:** The Quality and Safeguards Commission should have an additional responsibility for workforce development and training to proactively focus on the quality of supports and the skills of the workforce, and should be resourced to fulfil this responsibility.

## NDIS pricing and quality and safeguarding obligations

NDIS pricing arrangements need to account for time for workers and providers to meet their quality and safeguarding obligations. It is critical that measures to ensure quality and safety of participants are not generated in a vacuum.

The costs of training and upskilling staff, and of supervision, are included in the base price limits for supports and are not considered billable non-face-to-face supports. Base price limits are simply not adequate to allow for the necessary requirements placed on DSWs as part of the NDIS Code of Conduct & NDIS Practice Standards and Quality Indicators which requires “expertise and competence” as well as “developing and maintaining the knowledge and skills required for their role (for example, through training and supervision provided by their employer)”.<sup>7</sup> This must be underpinned by adequate time and funding for training.

The expectation that providers must offer reasonable supervision is limited by the fact that there is inadequate time and funding for supervision built into the NDIS pricing model. A further example is the expectation for workers to keep detailed and comprehensive records.<sup>8</sup> The current base price limits are inadequate to allow for the administration that may be required, let alone training and supervision requirements.

**Recommendation:** NDIS pricing arrangements need to account for time for workers and providers to meet their quality and safeguarding obligations.

## Provider registration

The Issues Paper identified registered providers have raised concerns “about the lack of a ‘level playing field’ between registered and unregistered providers, with registered providers feeling that they are more highly scrutinised than unregistered providers and that incentives to operate as an unregistered provider undermine quality and safeguards for participants.”

Universal registration of providers is highly contentious in some parts of the community. In our view, the starting position should be all providers of disability support work and associated support services (e.g. plan managers / support coordinators) should be registered and the process should be developed in consultation with people with disability, unions and other stakeholders to ensure this compliance measure meets quality standards and enables a safe and stable market of supports for participants.

**Recommendation:** Universal registration of providers should be developed in consultation with people with disability, unions and other stakeholders.

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<sup>7</sup> NDIS Code of Conduct [Online] <https://www.ndiscommission.gov.au/about/ndis-code-conduct>

<sup>8</sup> Ibid