

Developing a Safeguards Framework for people supported by the NDIS

Executive Summary

This discussion paper is the result of work led by the Safeguards and Quality Assurance Expert Group as part of the NDIS implementation groups.

It draws together current thinking around capital building for all citizens and empowering safeguarding in the context of the emerging NDIS.

The paper offers an outline of a Safeguarding Framework that enables citizens to be safe, well and included. The Framework is person centred and starts from the premise of building citizens capital through developmental investments. The approach is fundamentally steeped in the notion of citizens having an active role in safeguarding themselves.

Key Findings

Citizen Capital is the foundation of understanding people, their resources and their context and is a valuable way to develop a good plan that incorporates effective safeguards.

The assessment process and determining reasonable and necessary supports should have a focus on and preference for developmental investments. Investing in citizens and families to further develop the notion of capital and developmental investments, will also lead to people having higher expectations of the planning and supports they receive.

Further exploration is needed to develop ways in which the broad range of potential providers can be encouraged and incentivised to offer high quality, inclusive products and services.

The proposed framework seeks to acknowledge the individuals assessment of their own vulnerability and build on their capital and encourage expectations for high quality supports.

This paper provides a new conceptual framework and opportunity to develop new thinking and behaviours from the start of the NDIS.

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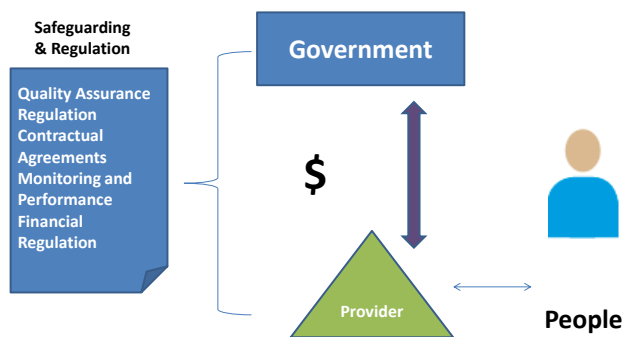
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Context

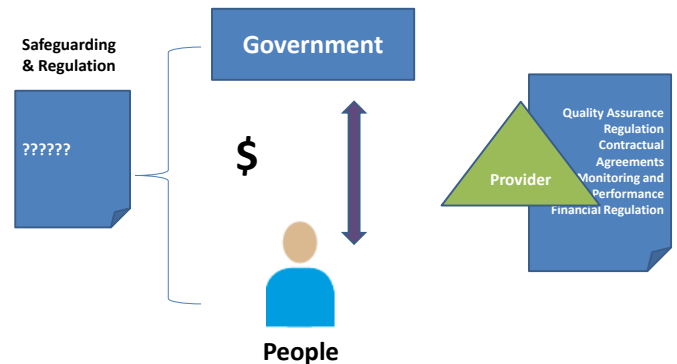
As the development of the NDIS progresses, resources, decision making and accountability will sit closer to people and their families, more so than ever before. The need for a balanced, proportionate safeguarding process is being explored to offer clarity, protection and safety to people, families and workers. The current Safeguarding mechanisms and regulatory frameworks in place across Australia, are largely focused on the relationship between the Government and the Support Organisations. As part of this, governments in the past have set quality standards and other requirements as part of their service funding agreements with Support Organisations and which have been applied at the service provider and service levels.

This primary relationship between the Government and the Support Organisations is currently supported by a developed regulatory framework and has recently been extended through the National Quality Framework. However as the NDIS develops, the primary relationship will change focus to that between the Government and the Person and their families.

Current Relationship – Government and Support Organisation



New Relationship – Government and People / Families



The changing nature of this relationship requires a radical re think in the way that all mechanisms designed to support people's safety and wellbeing will operate. Whatever is designed needs to be mindful and helpful to both relationships with people and Support Organisations– which may require different elements.

Safeguarding is more than child and adult protection, its primary function is concerned with the promotion of the welfare of the person - supporting them to have a good quality of life, to be an active and equal citizen, to reach their potential AND to promote their safety.

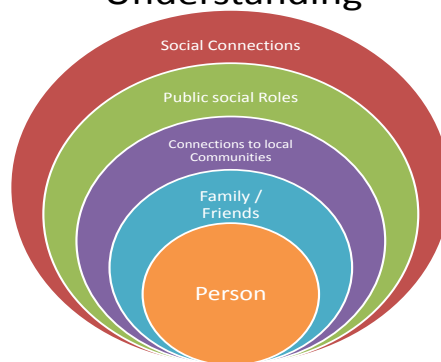
Questions

Is it possible to design a framework whose primary aim is to promote people's **wellbeing** and safety and maximise their opportunity to have a good life? Is it possible to capture the learning to date from people, families and workers and give some indication of what helps to keep all citizens safe, including a mixture of local informal supports such as family, friends, neighbours, community connections and formal Statutory Supports such as regulation, police checks and registers? What other processes are in place in today's society that promote wellbeing balancing informal and formal supports? Is it possible to develop a Framework that benefits all citizens not just those identified as vulnerable? What should be the potential national role of mechanisms that exist in some jurisdictions but not others, (e.g. Care Concerns Units and Community Visitor Programs), under a NDIS?

Potential Framework

This paper explores the potential design of a safeguarding framework that starts with the person, their capacity, their circumstances and crucially the elements that all citizens need to have in place to build good and safe lives. If we began from this position, could we work alongside people and families to explore their personal resources, identifying strengths and gaps and then best use public resources and safeguarding supports to fill and develop the gaps for each person within their own local communities and resources? We would like to use a frame of reference that refers to all citizens.

Potential Starting point for Understanding



The Fact Sheet on Safeguards for the NDIS outlines initial thinking. The inter-governmental agreements which govern launch sites, specify that the quality and safeguarding framework should be based on current regulations and requirements in each jurisdiction. This reflects the

practical reality that there is not time before 1 July to develop a new framework and ensure that service providers are ready for it.

This underlies that there is still a lot of thinking and work to be done. There is also the potential to influence outcomes during launch through the emerging values and behaviours of the National Disability Insurance Agency and amongst service providers.

The challenge is to focus on the individual, first, starting with the fact that they are citizens and understanding the range of factors that may increase their vulnerability.

An early question is, ‘vulnerable to what?’ In this context, it is the entire spectrum from death or serious personal harm to sub optimum or ineffective formal supports that reduce achievement of desired outcomes.

Participants in the NDIS will also potentially be vulnerable to not receiving the package of supports they need. Those who are most vulnerable to this are also likely to be vulnerable to other risks too. However, the vulnerability to not receiving “reasonable and necessary” benefits is not the subject of this paper, as it is better addressed as part of eligibility and assessment.

One of the principles in the NDIS Fact Sheet states that safeguards should be “risk based and person centred”. The parameters on which risk may vary are much more complex than those listed i.e.” functional capacity, natural support and services available”. There are a whole host of potential factors that are likely to impact on increased vulnerability which we have begun to explore. For each of the factors there is a spectrum of risk from low to high. An example of the extremes of the possible combinations is described below.

Risk Low	Risk High
<p>Eg: Adult</p> <p>Good communication & self advocacy skills. Not requiring intimate personal care. High socio-economic standing.</p> <p>Multiple relationships – family, friends, community who are close by and possess system advocacy skills.</p> <p>Living in a supportive and involved neighbourhood and community</p>	<p>Eg: Adult</p> <p>Reduced cognitive capacity. Use behaviours to communicate.</p> <p>Poor communication and social skills, vulnerable to suggestion and exploitation.</p> <p>Family not involved. No close friends.</p> <p>Homeless or living in housing with potential exposure to people who are likely to exploit.</p>

The presence of formal services cannot of itself be seen as a safeguard because as we can see above, the presence of a service does not simply eradicate the range of risks.

Quality assurance of government funded disability services has been a main focus of our current system. The capacity to maintain an effective quality assurance system in an environment where there is no direct relationship between government and the providers, has been a focus of discussion to date. However this should not be seen as the only, or main way to ensure adequate safeguards for individuals.

A better starting point would be to begin with the individual and explore how it might be possible to reduce their vulnerabilities in one or more of the areas where they are vulnerable. Then explore what could be put in place within the context of an NDIS and current safeguarding mechanisms.

Michael Kendrick's¹ approach of developmental, preventative and corrective approaches would be a useful starting point in this regard.

A framework that builds and invest in citizen's capital

Working from a strength and asset based approach a helpful and universal economic term and analogy to understand resources is that of citizen's capital as explored by Roland & Landua 2011² and Duffy & Murray 2010³. We understand that all citizens have capital in all aspects of their lives. How much capital and what investment is needed is different for everyone, depending upon their social and economic lifestyle and circumstances. Our starting point to explore capital in this context is the categories of the four areas of capital developed by Robbi Williams 2013⁴. As the authors of this paper we expand upon this initial work to describe the four categories of capital and examine the implications for safeguarding vulnerable citizens.

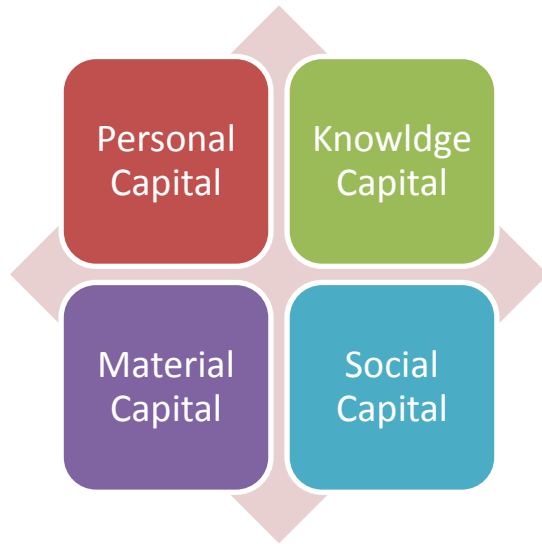
¹ Kendrick 2005 Self Direction in Services and The Emerging Safeguarding and Advocacy Challenges that may Arise.

² Roland and Landua, 2011, <http://appleseedpermaculture.com/8-forms-of-capital/>

³ Duffy & Murray, The Centre for Welfare Reform, 2010.

⁴ Williams, Purple Orange, Personal Communication 7.2.13

The aspects of Capital for all Citizens are:



Personal Capital - a person's resources in themselves and their ability to assert themselves, inner strength and resilience

Knowledge Capital – a person's skills, knowledge and ability to use their knowledge for action

Material Capital – a person's resources and material goods

Social Capital – a person's relationships and connections

These various aspects of capital are one way of seeing and understanding the range of resources that all citizens need in their lives to enable them to live safely and well, in their local communities. It helps to think about resources in a way that best reflects real lives for all citizens – resources that are way beyond purely monetary and material resources.

Although not exhaustive they may include:

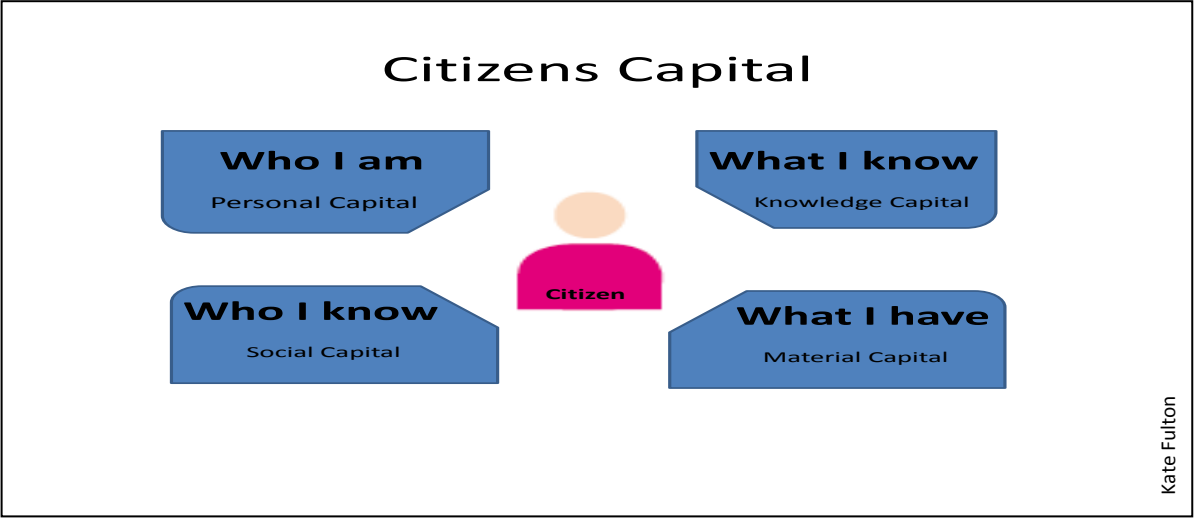
Personal Capital including self-esteem, confidence, cognitive and intuitive capacity, ability to self-advocate and be present and their inner strength and resilience

Knowledge Capital including skills, and general / specialist knowledge and the ability to access information from people, the internet and the community and to act on this information

Social Capital including relationships, family support, friends and community connections.

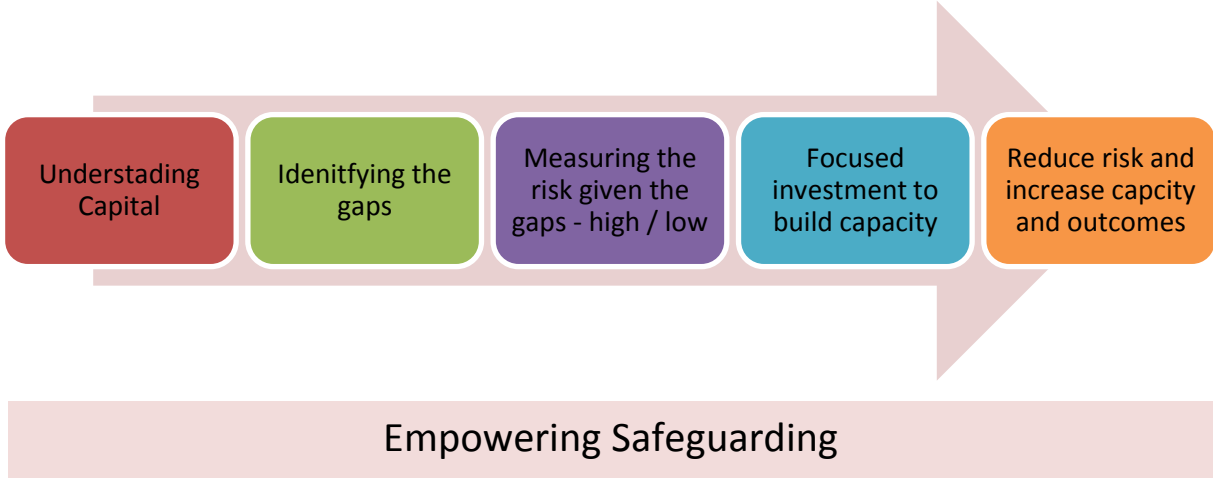
Material Capital including income, material goods, own home and community resources e.g. library, beaches, parks, which vary depending on location.

This perspective of capacity makes it possible to learn what it takes for all citizens to live well and have safe lives. Viewing resources and wealth in this way enables people and families themselves to measure their own wealth and resources, for example a person can be materially poor and relationship wealthy.



The measurement of capital across all domains is challenging, but we are keen to explore the possibilities of determining a base line of capital that all citizens require to be well and safe. The majority of citizens will have a range of resources in each area of their capital.

This base line measure would enable **all citizens** to determine themselves via a self or shared assessment / wellbeing check where there may be gaps in their own capital resources and to consider what risks this may present to the person and their life. The level of risk associated with gaps in their own capital, will then enable them to consider the right investment to build and boost their capital in the immediate and long term. The aim with any investment is to increase areas of capital to ensure any investment is an activity that promotes growth of capital and prevents erosion of capital and that supports the person to be included and protected.



What could a measure look like?

One way of exploring capital is to provide an easy to use and robust measure in each area of capital - making it relatively simple for people, families and workers to explore.

The following provides a simple measure of capital in each area of people's lives – providing simple statements that the person and their family can relate to and determine which statement best represents their own life and circumstances.

The following is an example for Personal Capital

Level of capital	Levels of Personal Capital
Significant capital	Ability to be assertive, strong identity, ability to make decisions, confident in self-determination , control over physical environment
Reasonable capital	Can make significant decisions known, limited understanding of their identity, reasonable sense of confidence, reasonable control over physical autonomy
Fair Capital	Require support with decision making, limited self advocacy, limited understanding of own determination / direction including wishes and needs
Low capital	Little personal capacity in making major decisions, limited communication, limited autonomy over physical space and limited ability to create direction

In using this simple measure we can explore all areas of capital across each of the four domains. The colours provide an easy and accessible measurement using a traffic light rating.

Understanding those most at risk

Level of capital	Level of Personal Capital	Level of Knowledge Capital	Level of Social Capital	Level of Material Capital
Significant capital	Ability to self-advocate, strong identity, ability to make decisions, confident in self-determination, autonomous physical capacity	Have recognised qualifications, skills and expertise. The capacity to access knowledge and information and to act on this knowledge	Lots of people connected to the person including family, friends, strong community presence and participation	Financially secure, with sufficient resources to meet my needs. I have a job and security of tenure.
Reasonable capital	Can make significant decisions known, limited understanding of their identity, reasonable sense of confidence, reasonable control over physical autonomy	Have knowledge and expertise that enables the person's lifestyle. Limited access to info and can act on this info	Family, friends, some community presence	I have sufficient funds to meet my needs and lifestyle, with security of tenure.
Fair Capital	Require support with decision making, limited self advocacy, limited understanding of own determination / direction inc wishes and needs	Require support to acknowledge / promote skills and contributions. Require support to access info	One or two family, paid support team, no community connections	I have limited funds and mostly manage to meet my needs and lifestyle, with limited security of tenure.
Low capital	Little personal capacity in making major decisions, limited communication, limited autonomy over physical space and limited ability to create direction	Limited education, lack of access to info and knowledge. Limited and disconnect to cultural knowledge and communities	No unpaid people in life, limited paid people	Reliant on Income Support, no employment, no inheritance, no secure housing, debt

This potential measure needs to capture all four domains of capital helping to easily identify and understand those people most at risk. This requires all four areas being considered in a person's life.

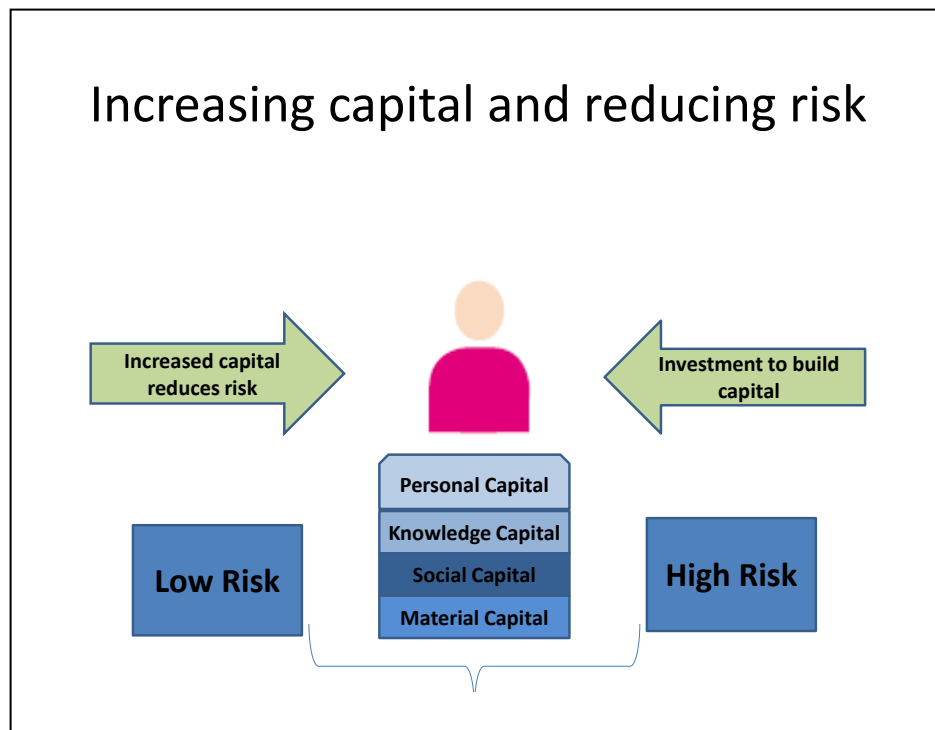
Across all areas there is some level of risk for all citizens; however measures enable us to consider given the persons capital, whether the risk low or high. Therefore we can add alongside the measure of capital an easy to use measure of risk;

- the more capital a person has, the lower the risk
- the less capital a person has, the higher the risk

Level of capital	Level of Personal capital	Level of Knowledge Capital	Level of Social Capital	Level of Material Capital	Risk
Significant capital	Ability to self-advocate, strong identity, ability to make decisions, confident in self-determination, autonomous physical capacity	Have recognised qualifications, skills and expertise. The capacity to access knowledge and information and to act on this knowledge	Lots of people connected to the person inc family, friends, strong community presence and participation	I am financially secure, with sufficient resources to meet my needs. I have a job and security of tenure.	Low risk
Reasonable capital	Can make significant decisions known, limited understanding of their identity, reasonable sense of confidence, reasonable control over physical autonomy	Have knowledge and expertise that enables the person's lifestyle. Limited access to info and can act of this info	Family, friends, some community presence	I have sufficient funds to meet my needs and lifestyle, with security of tenure.	
Fair Capital	Require support with decision making, limited self advocacy, limited understanding of own determination / direction inc wishes and needs	Require support to acknowledge / promote skills and contributions. Require support to access info	One or two family, paid support team, no community connections	I have limited funds and mostly manage to meet my needs and lifestyle, with limited security of tenure.	
Low capital	Little personal capacity in making major decisions, limited communication, limited autonomy over physical space and limited ability to create direction	Limited education, lack of access to info and knowledge. Limited and disconnect to cultural knowledge and communities	No unpaid people in life, limited paid people	Reliant on Income Support, no employment, no inheritance, no secure housing, debt, living in a community with limited resources	
High Risk					

Minimising risk with developmental investments

This potential framework acknowledges the fact that for all citizens reduced capital increases risk and the sensible role for a safeguarding framework is to provide investment that builds capital in the short term as well as importantly, building capital for long term benefit. The framework would be based on current thinking in building all citizens capital for a good and safe life.



Developmental investments are investments that aim to grow areas of a person’s capital, not simply adding a short term immediate solution, but developing and growing the person’s capital and are proportionate to the risk posed.

Kendrick (2005)⁵ describes Developmental Safeguards as safeguards which aim to produce socially desirable conditions for the inclusion and protection of people with a disability, supporting their valued status in community and developing supports through family and intentional relationship building.

Examples of Developmental Investments may include things such as a peer supporter; someone who can provide an immediate connection but who can also connect the person to other locals based on shared interest and support the person to increase their social capital over time. Another example of a Developmental Investment is education, investing in a person’s low knowledge capital enables the person to secure employment leading to the potential increase in both knowledge capital, social capital and material capital.

Developmental Investments are critical in any safeguarding framework and in any service delivery, to ensure the framework provides longevity and is investing in people to grow.

⁵ Ibid

The following provides an overview of how the kind of Developmental Investments may be used to support people in each domain whose capital is low and who are at potential high risk. The list is not exhaustive but provides an insight into typical developmental investments.

The right hand column shows some of the kinds of Developmental Investments that are likely to support a developmental approach and areas in italics depict areas that the NDIA are likely to influence and promote.

Level of capital	Level of Personal capital	Level of Knowledge Capital	Level of Social Capital	Level of Material Capital	Risk	Developmental Investments to increase Capital and have a Safeguarding effect
Significant capital	Ability to self-advocate, strong identity, ability to make decisions, confident in self-determination, autonomous physical capacity	Have recognised qualifications, skills and expertise. The capacity to access knowledge and information and to act on this knowledge	Lots of people connected to the person inc family, friends, strong community presence and participation	I am financially secure, with sufficient resources to meet my needs. I have a job and security of tenure.	Low risk	<i>Self-directed support</i>
Reasonable capital	Can make significant decisions known, limited understanding of their identity, reasonable sense of confidence, reasonable control over physical autonomy	Have knowledge and expertise that enables the person's lifestyle. Limited access to info and can act of this info	Family, friends, some community presence	I have sufficient funds to meet my needs and lifestyle, with security of tenure.		<i>Individualised funding</i>
Fair Capital	Require support with decision making, limited self advocacy, limited understanding of own determination / direction inc wishes and needs	Require support to acknowledge / promote skills and contributions. Require support to access info	One or two family, paid support team, no community connections	I have limited funds and mostly manage to meet my needs and lifestyle, with limited security of tenure.		<i>Service models and approaches that support individualised supports</i>
Low capital	Little personal capacity in making major decisions, limited communication, limited autonomy over physical space and limited ability to create direction	Limited education, lack of access to info and knowledge. Limited and disconnect to cultural knowledge and communities	No unpaid people in life, limited paid people	Reliant on Income Support, no employment, no inheritance, no secure housing, debt		<i>Individual & Family capacity building</i>
High Risk						<i>Organisational Capacity building to promote and encourage strategies that increase investment in capital</i>
Development Investments That develop each domain of capital	Investment to speak up for yourself, Lifelong learning and development Communication, Environmental controls, Assistance to control environment, Nominee for Supported Decision Making, Advocacy, Family Leadership, Family Investment	Initiating social contact, opportunities for leadership, the opportunity to speak for others, Family Advocacy Education, Access to info and IT	Lifelong learning and development, carer development Assistance to build circles of support, build community relationships support to develop friendships,, Peer Support, assistance to achieve diverse experiences	Investment support, Disability Trust, Shared Housing Employment Support,		<i>Outcome Based Monitoring – that increases capital via Review - Reflection and refinement of the plan / outcomes</i>

* (inconsistent across jurisdictions / Italics – NDIA Role

Preventative and Corrective Safeguards

Alongside developmental investments we need to acknowledge the preventative and corrective safeguards that are currently in place that protect all citizens including those deemed as vulnerable and will be an integral part of any safeguarding framework that aims to enable the NDIS. Preventative and corrective safeguards work alongside developmental investments. Kendrick 2005⁶ describes them as follows:

- Preventative safeguard: which is focus on service design and cultures to prevent abuse and neglect and actively address risks for individuals
- Corrective safeguards: which offer redress and trauma support after incidents occur

The graph demonstrates the kind of preventive and corrective safeguards that are typically used as a response to low capital in each area. The right hand column depicts the typical safeguards open to all citizens.

However it is important to note and further explore that for many people who are low in capital across all or many of the areas, their ability to fully access and utilise the preventative and corrective safeguards can be very reliant upon their current support strategy. An example may include a person with an intellectual disability who has been a victim of abuse who requires support and assistance to report the crime, to be understood, to benefit from criminal legal advice and to fully utilise the court system. We know that many people do not always gain access to these safeguards in the same way the majority of citizens do.

⁶ Ibid.

Level of capital	Level of Personal capital	Level of Knowledge Capital	Level of Social Capital	Level of Material Capital	Risk	Developmental Investments to increase Capital and have a Safeguarding effect	Preventative Safeguards	Corrective Safeguards
Significant capital	Ability to self-advocate, strong identity, ability to make decisions, confident in self-determination , autonomous physical capacity	Have recognised qualifications, skills and expertise. The capacity to access knowledge and information and to act on this knowledge	Lots of people connected to the person inc family, friends, strong community presence and participation	I am financially secure, with sufficient resources to meet my needs. I have a job and security of tenure.	Low risk	<i>Self-directed support</i>	Restrictive Practice Legislation & Guidelines * Community Visitor Schemes * Care Concerns Units Police Checks <i>Acquittal Procedures</i> <i>Registration of Specialist Disability Providers - Developmental not compliance Based on National Disability Standards AND Accountability for individual outcomes that increase capital Outcome Based Monitoring</i>	Ombudsman * Consumer Law Complaints Procedure* Police Courts – Legal Litigation Child Protection HADSCO / Disability Commissioners * Antidiscrimination Laws
Reasonable capital	Can make significant decisions known, limited understanding of their identity, reasonable sense of confidence, reasonable control over physical autonomy	Have knowledge and expertise that enables the person’s lifestyle. Limited access to info and can act of this info	Family, friends, some community presence	I have sufficient funds to meet my needs and lifestyle, with security of tenure.		<i>Individualised funding</i>		
Fair Capital	Require support with decision making, limited self advocacy, limited understanding of own determination / direction inc wishes and needs	Require support to acknowledge / promote skills and contributions. Require support to access info	One or two family, paid support team, no community connections	I have limited funds and mostly manage to meet my needs and lifestyle, with limited security of tenure.		<i>Service models and approaches that support individualised supports</i>		
Low capital	Little personal capacity in making major decisions, limited communication, limited autonym over physical space and limited ability to create direction	Limited education, lack of access to info and knowledge. Limited and disconnect to cultural knowledge and communities	No unpaid people in life, limited paid people	Reliant on Income Support, no employment, no inheritance, no secure housing, debt		<i>Individual & Family capacity building</i>		
High Risk						<i>Organisational Capacity building to promote and encourage strategies that increase investment in capital</i>		
						<i>Outcome Based Monitoring – that increases capital via Review - Reflection and refinement of the plan / outcomes</i>		
						<i>Independent Individual Advocacy / Systemic</i>	Disability	

Dev Investments That develop each domain of capital	Investment to speak up for yourself, Lifelong learning and development Communication Technology, Environmental controls, Nominee for Supported Decision Making, Advocacy, Family Leadership, Family Investment	Initiating social contact, opportunities for leadership, the opportunity to speak for others, Family Advocacy Assistance to build circles of support, build community relationships, support to develop friendships,	Lifelong learning and development, carer development Education, Access to info and IT, Peer Support, assistance to achieve diverse experiences	Investment support, Disability Trust, Shared Housing Employment Support,	<i>Advocacy Agencies</i>	Access and Inclusion Plans	
Preventative Safeguards	Minimal Personal Care Support	Relationships with paid staff	Information, Advice and Guidance – Buyers guide	Income Support Housing Assistance, Medicare,			
Corrective Safeguards	Guardianship* Involuntary treatment orders *	False and misleading Advertising – Corrective action	Guardianship	Legal Aid Consumer redress processes			

* (inconsistent across jurisdictions)

Italics – NDIA Role

Developmental Investments and Service Delivery

In exploring a Safeguarding Framework it inevitably raises the issue of how any investment provided by Government either directly or indirectly works to either increase the person's capital or erode it. The NDIA will undoubtedly be concerned with this element of the NDIS in exploring the kind of approaches and models that the NDIS may promote as development investments to citizens directing their own supports.

Developmental approaches are more likely to build capital while congregated and segregated services responses cannot promote or sustain individualised and flexible responses. Within institutional settings developmental approaches are even more compromised and individuals, particularly those with labels of challenging behaviour can be housed in settings that are isolated, restrictive and punitive. Some people end up in the corrective services system as a result of inadequate support. Examples of developmental approaches and models that should be actively promoted by NDIA are shown below.

- Individualised Funding
- Individualised Supports
- Emotional support and decision making
- Individual Planning and Review
- Mentoring / Coaching
- Shared Management
- Shared Living
- Social networking/ social connecting/Circle of support
- Drop-in volunteer support/ natural support
- Independent living development and support
- Peer support
- Family Leadership\
- Positive Practice Support
- Preparation for leaving home
- Community Engagement / Connection
- Recreational Support
- Educational Options / Support
- Occupational Options
- Employment preparation
- Transport Training

Developmental Investments and Assessment

The focus of assessment could be made citizen centric by starting with the four areas of capital, relative to the person and their circumstance, rather than a more traditional focus on diagnosis and function. Often this approach leads the assessment into identifying 'needs', but doesn't help identify what will make the most difference to the person, in their life and context. Assessment should acknowledge and assist people to explore the nature of the support required, whilst recognising the depth and hugely individualised solutions, that what will actually move people towards social and economic participation. By building citizen capital into the heart of assessment it can focus on enabling people to think differently and explore more diverse solutions based upon their own resources and community capacity.

Whilst acknowledging that the development of an insurance system has a need for data for actuarial purposes, there are alternatives to collect this data. The need to gather data should not drive the assessment and planning processes, but could be addressed through a formal research approach, that initially used the standardised measures. However it would be logical in the future to look at measures of increases in capital and the correlation to social and economic participation.

Recognising and starting with the person, their contribution and their capital means that assessment is really about one person at a time.

Citizens Safeguarding Themselves

A new system should be intentional in how it actually builds awareness, ability, confidence and assertiveness for all citizens to actively safeguard themselves. Initiatives to consider are:

- Explore and better understand the current approaches that exist across Australia e.g. self advocacy, leadership training for disabled people
- Identify what could be shared and replicated across states and from international experience e.g. user lead organisations,
- Identify what would benefit from being harmonised across States e.g. Community Visitors
- Intentionally develop, resource and support peer support
- Further develop, resource and support family to family mechanisms of peer support

The new system needs to start from the premise that people and families can and should be able to navigate it with ease and for some with little or no assistance. However where people require assistance, there should be a range of options that are easily accessible to all.

Quality Assurance of All Suppliers

It is highly likely there will be a quality assurance mechanism based on the National Disability Service Standards for specialist disability service providers. What shape and form a national system will take is still to be negotiated by the jurisdictions. However as we develop the NDIS there will be an expanded and more diverse range of suppliers when people choose to use their resources in different ways. This will include suppliers beyond the traditional specialist services. We need to consider an approach that recognises and acknowledges all provision that citizen may use or purchase.

The possibilities might include;

- A feedback mechanism that is based on citizens experiences and suggestions for change e.g. Shop for Support
- Intentional awareness building of government and commercial enterprises e.g. Count Me In strategy in Western Australia
- Opportunities for businesses to commit to inclusive practices that create a point of difference with some objective measure e.g. Heart Tick.
- Structured assistance by people with lived experience to be more consumer focused e.g. Quality Checkers with lived experience in the UK Health service
- A legislative framework for Disability Access Improvement Plans e.g. Western Australia

This is an area of enormous potential and can affect the success of outcomes gained by those participating in the NDIS. It is important that we consider how we shape and influence suppliers now and in the future.

Conclusion

This paper attempts to

a) pull together current thinking around both capital building for all citizens and empowering safeguarding in the context of the emerging NDIS.

b) outline the possibilities of developing a Safeguarding Framework that enables citizens to be safe, well and included. It is person centred and starts with participants to build their personal, knowledge, social and material capital through developmental investments.

The proposed framework therefore contrasts with the current Quality and Safeguards framework, which starts with the primacy of the government/provider relationship and through funding agreements, seeks to set provider and service standards, without necessarily taking account of the people's or families own capacities to assess quality or risk.

The challenge and the opportunity is to develop new thinking and behaviours from the start of the NDIS, whilst also recognising the practical reality that the inter-governmental agreements for launch specify using existing quality and safeguard frameworks.

This paper provides an alternative conceptual framework for taking up this challenge and has the potential to be developed further, within the launch of the Scheme, in at least three key areas.

First, Developmental Investments should be made part of the assessment process and determining reasonable and necessary supports.

Second, investment in citizens and families to both understand and further develop the notion of capital and to explore how the NDIS can best support people in this, ensuring the messages are consistent in raising expectations, person centred supports and in a quality assurance mechanism. To ensure we begin from the premise of citizens having an active role in safeguarding themselves.

Thirdly, further thought is worthwhile to develop ways in which the broad range of potential providers can be encouraged and incentivised to offer high quality, inclusive products and services.

The initial draft of this paper was presented to the Safeguards and Quality Assurance Expert Group and further development and refinement has been undertaken as a result of their feedback and discussion at the meeting.

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