



Home Modifications Australia

**Submission to Senate Standing Committee on
Community Affairs: Inquiry into the National
Disability Insurance Scheme Amendment (Quality
and Safeguards Commission and Other
Measures)**

28 July 2017

**Contact Details:
Michael Bleasdale
CEO
Level 4, 80 Cooper Street
SURRY HILLS NSW 2010**

Submission to Senate Standing Committee July 2017 – NDIS Amendment Bill

Contents

BACKGROUND TO SUBMISSION	3
GENERAL COMMENTS.....	4
SPECIFIC COMMENTS	4

Submission to Senate Standing Committee July 2017 – NDIS Amendment Bill

Background to submission

Home Modifications Australia (MOD.A) is the national peak industry body for home modifications across the country.

The home modifications industry operates across a range of government funded programs, which deliver support to people with disability and older people.

Predominantly home modifications in Australia have been delivered through the Home and Community Care (HACC) program, which has become the Commonwealth Home Support Programme (CHSP) for people over the age of 65, and HACC can be said to have helped establish the infrastructure that is now being used to deliver home modifications through CHSP and to some extent the National Disability Insurance Scheme (NDIS). Additionally, home modifications are delivered to older people through the Home Care Packages (HCP) program, again usually contracting CHSP funded home modifications providers. In Australia home modifications have also been and continue to be delivered through the state-based accident compensation schemes, such as the Transport Accident Commission in Victoria, and nationally through the Department of Veterans' Affairs. Home modifications have also at times been available to clients of state-funded health systems. There is also a growing private market of older people who are accessing home modifications and accessible home renovations directly.

This explanation of the home modification industry illustrates the significant range of programs which provide subsidies, at different levels, to different clients based on their eligibility, and as such represents a challenge to the industry in complying with the individual and independent procurement rules and the quality and other requirements that each program has. Any additional mechanisms that aim to safeguard program clients and to drive quality, then, must be able to be easily adopted by home modification services, which currently have to undergo multiple service audits and other checking processes by government departments or their agents. Ideally, new requirements, such as those of the proposed NDIS Code of Conduct, should have the capability of being monitored and audited simultaneous with other compliance requirements from other departments or programs.

A related issue is the fact that all current compliance checking mechanisms do not adequately measure or assess in detail home modifications as a specialist intervention, in terms of the quality of the work done and the result for clients. To address this MOD.A has for the past two years been working on the development of an industry-specific Quality Standard with a number of government agencies supportive of this work and participating on a Steering Committee. MOD.A's goal is to have a tool which is applicable to home modification providers, that will clearly articulate quality across the range of processes and outcomes that are common to home modifications, and enable providers to be audited against this and also to be able to meet their other compliance requirements (aged care, disability etc), reducing the number of compliance processes they need to undertake. Because of this MOD.A is concerned to ensure that the general quality standards in both the disability services sector and in aged care become much more closely aligned, and that monitoring and auditing processes can at some point in the near future be amalgamated into a single third party verification process.

Submission to Senate Standing Committee July 2017 – NDIS Amendment Bill

MOD.A takes the above into consideration when expressing our views about the NDIS Amendment Bill, which has as its main focus the implementation of a quality and safeguarding framework for the scheme.

General Comments

MOD.A is aware that the main effect of the Amendment Bill is to bring into existence a new, independent Commission that will have specific powers to prevent and address abuse and poor-quality supports delivered to people with disability through the NDIS. Previously we have made submission to the Code of Conduct Discussion Paper and expressed support for the formation of the new Commission, recognising how important it is to have a body that can act swiftly and effectively to stamp out abuse which is still evident within service provision today. Home modifications providers would fall under its jurisdiction and to this extent it represents the alternative to previous mechanisms which existed under the HACCC and other programs, but with greater powers. MOD.A has no in-principle concerns with this, except for issues of scope and coverage, which are addressed in the section below looking at specific areas of potential concern.

The issues of “quality” and “safeguarding” are very different, and MOD.A is developing its own standards to address what the industry understands to be quality in the context of delivering home modifications to people with disability and older people. MOD.A does not believe that the new Commission will be in a position to assess and monitor quality of home modifications specifically, nor to handle all complaints that may be made by participants about the quality of home modifications. These will need to be referred to consumer protection agencies, such as Fair Trading NSW, for building and trades-related complaints, and to professional bodies for complaints related to allied health workers such as occupational therapists, as well as being dealt with by the Commission with regard to any NDIS-specific issues. This does not represent a barrier, and MOD.A has provided the same advice to the Aged Care Complaints Commission. What is required, however, is greater harmonisation amongst the state-based consumer protection agencies and a proactive recognition that in future they will have a greater role to play in dispute resolution and protection for clients of a variety of Commonwealth funded programs such as the NDIS and aged care. This is consistent with the goal of NDIS (and aged care form) to make civil society much more able to accommodate within its general services and institutions the requirements of people with a diversity of needs.

Specific Comments

The comments below have been made already in relation to the NDIS Code of Conduct, but are relevant to this enquiry as well. They relate to specific areas of home modifications practice which should be considered when the scope of the new framework is applied.

1) The range of national and international documents considered when drafting the Code of Conduct, together with the objectives of the NDIS Quality and Safeguarding Framework, provide a suitable background to this approach. The nine areas covered do adequately represent areas of conduct and interaction which need to be safeguarded, and draw a useful distinction between these and markers of quality, which are not covered in the document.

Submission to Senate Standing Committee July 2017 – NDIS Amendment Bill

2) MOD.A supports the broad coverage of the Code of Conduct, and assumes that all contractors and sub-contractors, who are used regularly and routinely in the process of delivering home modifications will be subject to it, with the primary responsibility for ensuring these standards are met falling to the principal contractor. There may need to be further clarification of where responsibility and lines of accountability lie, once the process of procurement for home modifications (in particular complex home modifications) is clarified and made consistent across the NDIS nationally. MOD.A is very motivated to assist the NDIA in this regard, but notes we are currently a long way off achieving any form of consistency which would make it obvious and easy to apply the Code of Conduct across all trades and professions involved in delivering a complex home modification within the NDIS nationally.

3) MOD.A has some concerns about the capacity for participants to adequately discern the difference between a registered and unregistered provider, and the approach they could adopt if dissatisfied with their home modification if an unregistered provider had been contracted. We also note that existing consumer laws relating to home building are not particularly strong, and are also not nationally consistent, and so believe there is still some weakness here when seeking to protect the person and the asset if modifications are being done by an unregistered provider.

4) With respect to undertaking (particularly major) home modifications MOD.A has some concerns about how complex home modifications would be done and who the principal contractor would be in that instance, and subsequently who could be pursued by the Commission if complaints related to the Code of Conduct were made.

5) The application of the Code of Conduct is greatly assisted by the existence of a Commission with powers to enforce sanctions relative to the seriousness of breaches, and also to investigate serious and/or systemic breaches through its own motion powers.

The details of these specific issues are not appropriately addressed through the legislation, and the purpose of raising them here is to flag work by the new Commission, when it comes into existence, to work with similar bodies that deal with matters outside of its own jurisdiction to both enhance the protections afforded to NDIS participants through existing regulations and complaints mechanisms, and to facilitate pathways for resolution of matters which cross jurisdictions and overlap with that of the Commission.