

## **MULTIPLE SCLEROSIS AUSTRALIA**

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# **Submission to the Senate Joint Standing Committee on the NDIS enquiry into the NDIS Workforce**

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**Deidre Mackechnie  
Chief Executive Officer**

**MS Australia**  
Level 19 Northpoint Building,  
100 Miller St  
NORTH SYDNEY NSW 2060  
T: 02 8413 7977  
F: 02 8413 7988

### **About Multiple Sclerosis Australia**

MS Australia (MSA) is the national peak body for people living with multiple sclerosis (MS) in Australia. Our role is to work on behalf of all state and territory-based member organisations to provide a voice for people living with multiple sclerosis across the country to support the development of:

- Research
- Advocacy and awareness
- Communication and information
- Services provided by our member organisations
- International collaboration

MSA advocates across all stakeholders, governments and communities, on behalf of our members, to represent people who are diagnosed with MS, their carers and the broader MS community.

### **Our Vision**

Is consistent with the vision of the Multiple Sclerosis International Federation – **'A world without MS'**

### **Our Mission**

MSA will support our members and work towards meeting the needs of people with MS, their families and carers. We will facilitate a national comprehensive representation of the Member organisations through advocacy and communication.

### **Our Purpose**

On behalf of our members and people with MS, our purpose is to develop:

- **Research:**  
Supporting ongoing research to pursue further knowledge in causes, prevention, improving treatments, enhancing quality of life and ultimately, to find a cure.
- **Advocacy and Awareness:**  
Although MS impacts people differently, there are common, fundamental issues for people affected by the disease. We are steadfastly committed to giving these people a voice and remain willing and able to work with government and the Australian society to champion issues in a dynamic policy environment to bring about positive change to the lives of people living with MS.
- **Communication and Information:**  
Utilising traditional, contemporary and innovative channels to source information and share it with people with MS, our member organisations and our key stakeholders.
- **Support for our member organisations:**  
Who, as MS specialists, are providing and facilitating high quality services that span the life-time needs of people affected by MS and other degenerative neurological conditions, their families and carers – from the point of early symptoms and pre-diagnosis, which addresses their changing needs.
- **International Collaboration:**  
Representing the MS cause and promoting collaboration with our domestic and international partners.

## Introduction

MS Australia (MSA) is pleased to provide a submission to the Senate Joint Standing Committee on the NDIS enquiry into the NDIS Workforce.

The focus of the comments provided in this submission are on key areas that will impact on people affected by MS and other neurological conditions for which our state organisations provide services and support. As stated above, MSA's role is to work on behalf of all state and territory-based member organisations to provide a voice for people living with MS across the country.

MSA's member organisations are:

- MSWA (providing services and support in Western Australia)
- MS SA/NT (providing services and support in South Australia and the Northern Territory)
- MS QLD (providing services and support in Queensland)
- MSL (Multiple Sclerosis Limited providing services and support in Victoria, NSW, ACT and Tasmania)

Each of these state-based organisations operates independently to provide a range of services to people living with multiple sclerosis regardless of age, and, in some cases, to a broader group of people with other progressive neurological diseases. These services vary from state to state and include: phone information support and advice, on-line resources, MS clinics, specialist MS nursing, physiotherapy, allied health services, education and information workshops, seminars and webinars, psychology, financial support, supported accommodation, residential and in home respite, peer support co-ordination and employment services.

## Terms of reference

- a. the current size and composition of the NDIS workforce and projections at full scheme;
- b. challenges in attracting and retaining the NDIS workforce, particularly in regional and remote communities;
- c. the role of Commonwealth Government policy in influencing the remuneration, conditions, working environment (including Workplace Health and Safety), career mobility and training needs of the NDIS workforce;
- d. the role of State, Territory, Commonwealth Governments in providing and implementing a coordinated strategic workforce development plan for the NDIS workforce;
- e. the interaction of NDIS workforce needs with employment in adjacent sectors including health and aged care;
- f. the opportunities available to, and challenges experienced by, people with disability currently employed, or wanting to be employed, within the NDIS workforce; and
- g. any other matters

(The NDIS workforce is defined as the workforce providing NDIS services.)

In recent years there have been several inquiries and reports regarding the implementation of the NDIS that have a bearing on the terms of reference for this current inquiry into the NDIS Workforce.

### **The Australian Government response to the Joint Standing Committee on the NDIS Report**

The Australian Government response to the Joint Standing Committee on the NDIS Report, was released in February 2020<sup>1</sup>. This was a response to the Second Progress Report on the inquiry into general issues around the implementation and performance of the NDIS.

MSA welcomed these responses to the 18 recommendations in the report noting that the vast majority of recommendations were supported or supported in principle. We especially welcome the focus on psychosocial support such as in Recommendation 2 regarding the provision of mental health training to staff and planners.

The implementation of these changes will undoubtedly have an impact on the wider NDIS Workforce, especially in shaping and planning the future NDIS workforce.

### **2019 review of the NDIS Act and the new NDIS Participant Service Guarantee (the Tune Review)**

To develop the new NDIS Participant Service Guarantee, the Australian Government commissioned a review of the NDIS Act to identify opportunities to make NDIS processes simpler and more straight-forward and remove legislative barriers to positive participant and provider experiences with the NDIS. The review was undertaken by an independent expert, Mr David Tune AO PSM. The Review Report was handed to the Government in December 2019.<sup>2</sup>

Of the 29 recommendations contained in the Review Report on how to improve the Scheme, the following areas are particularly pertinent to the MS community:

- The review of NDIS Rules around funding of **support coordination** in a participant's plan (see Recommendation 16). This currently creates a barrier to people accessing expertise within specialist organisations by separating support coordination and service delivery. MSA wants to ensure that specialist providers of support coordination and services are enabled, to provide knowledgeable support to people with specific need, throughout their plan development and implementation.
- The amendment of the NDIS Act and Rules in relation to **episodic conditions**. The Tune Review specifically focuses on psychosocial episodic disability and so we seek clarity around the use of 'episodic conditions' in the NDIS Act and Rules. (See Recommendation 8).

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<sup>1</sup> <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-insurance-scheme/national-disability-insurance-scheme-report-inquiry-into-market-readiness>

<sup>2</sup> <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-insurance-scheme/2019-review-of-the-ndis-act-and-the-new-ndis-participant-service-guarantee>

- Legislating a **Participant Service Guarantee** that defines and tightens decision-making timeframes would have a substantial positive impact on people with MS moving through the NDIS journey. (See Recommendation 25).
- The Disability Reform Council will add the resolution of (amongst others), the treatment of **chronic health conditions** under the NDIS as an outstanding policy matter to its forward work program. (See Recommendation 1).
- Clarity around the wording and definition of **'reasonable and necessary'**, especially with regard to **supports** (see Recommendation 4). We know that for example, some people with MS require air-conditioning whilst others need heating and currently this is not funded consistently under this definition, potentially because the term is subjective and inflexible.

### **The need for certainty and reassurance**

The MS community in Australia needs certainty and reassurance about the NDIS and it is through a highly trained and engaged workforce that this certainty and reassurance can be realised.

Of particular importance to the MS community in Australia is a workforce that understands the nature of chronic, progressive, degenerative conditions such as MS. So, for example, as stated above, **MSA wants to ensure that specialist providers of support coordination and services are enabled, to provide knowledgeable support to people with specific need, throughout their plan development and implementation.**

At the time of writing, the Australian Government is yet to provide a response to the Tune Review, so we hope that support for, and implementation of the Report's 29 recommendations will bring about a cut to waiting times and red tape, simplify the application process, and in the words of NDIS Minister Stuart Robert, "NDIS legislation will be updated and clarified...and will remove barriers to a better NDIS/Scheme".

MSA does, however, endorse People with Disability Australia's concerns over the Review's lack of, "a clear recommendation for the staffing cap to be removed, for staff training particularly on disability rights and for more people with disability [to be] employed."

### **Growing the NDIS Market and Workforce Strategy**

The Australian Government's strategy to support the development the NDIS market, Growing the NDIS Market and Workforce Strategy, was released in early 2019.<sup>3</sup>

The ambition for this strategy was as follows:

"Given the scale and pace of reforms to the disability support sector, the Government recognises the need to support business and workforce development while the market transitions and matures. In light of this, the Growing the NDIS Market and Workforce

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<sup>3</sup> <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-insurance-scheme/growing-the-ndis-market-and-workforce-strategy>

Strategy (the Strategy) outlines the Commonwealth Government's key priorities to assist an efficient and effective NDIS market and workforce to grow."

The Strategy is organised under four priorities. The first two priorities are focused on NDIS providers, and a further two focused on growing and fostering a capable workforce.

The Strategy describes the scale at which the workforce needs to grow in the short term as "significant". Further, "it is estimated that the NDIS workforce will need to increase by up to 90,000 full-time equivalent (FTE) employees over the next five years."

Whilst the scale of growth is recognised, it is difficult to see how the initiatives described in the Strategy will create this level of workforce in the short term.

The commitment in the Strategy to providing better information to enable investment in services is welcomed as, like other peak disability bodies, we agree that better data will help service providers make decisions about investment and growth.

Also, work to assist in addressing thin service markets is welcomed. During this period of implementation and adjustment providers are pulling out of some areas, which may threaten the delivery of supports to people with disability in these areas. The role of governments at all levels is essential to ensure equitable access to services, especially where there are thin markets for services in regional and remote areas.

### **An NDIS workforce suited to the needs of people living with MS**

As previously stated, the MS community in Australia needs certainty and reassurance about the NDIS including access to specialist providers of support and services who are knowledgeable about neurological conditions, their sometimes episodic, progressive and degenerative nature and the often complex need to interact with several sectors such as health and aged care.

Some concerns raised with us by frontline staff providing services to the MS community include examples such as:

- Private service providers new to delivering supports in the disability sector are not always compliant with quality and safeguard standards that have been a basic, well known requirement in the disability sector for many years, such as requirements around documentation when working with children or adults with disabilities
- Private service providers with no prior or current work experience, demonstrated professional development, course attendance or formal training in supporting people living with neurological conditions are taking on clients which potentially fall outside their scope of practice
- Physiotherapists take legal responsibility for work delegated to staff they supervise within the same organisation; they know the skills sets, qualifications, training and expected scope of practice of the staff to be able to safely and appropriately delegate tasks and know that the organisation has insurance cover, should the need arise. However, the question of who is taking legal responsibility for tasks delegated to support staff of external organisations is untested, unclear and an area of risk.

To ensure that support is consistent, high quality and responsive to the choices and needs of clients living with MS and other neurological conditions, the NDIS workforce needs skilled, experienced and well-supported workers, employed with decent working conditions and good job security.

The implementation of the NDIS has brought about a dramatic rise in insecure work (more than 40% of the workforce is reported as casually employed); a major point of concern. Casualisation and the rapid growth of the NDIS means that providers need to continually induct, train and supervise a significant number of new workers to meet client demand.

Further, competition for the same workers is increasing across other sectors such as health and aged care. An effective strategic approach to workforce development of the NDIS that involves the intersection of these other community service sectors that will promote productive labour mobility is needed, rather than competition that builds one sector's workforce at the expense of another's.

We strongly advocate the need for workforce strategies, initiatives and incentives to be developed in partnership with service providers employing the disability sector workforce, with a view to creating effective long-term workforce solutions that will deliver genuine benefit to NDIS participants from the MS community.

**KEY FACTS:**

- Multiple sclerosis (MS) is a neurological condition affecting the central nervous system (brain and spinal cord) that affects more than 25,600 people throughout Australia
- It is the most common chronic neurological condition diagnosed in young adults.
- MS is most commonly diagnosed between the ages of 20 and 40
- 75% of people diagnosed are women.
- MS varies significantly from person to person. For some people, it is a disease that comes and goes in severity with periods of unpredictable relapse and remission. For others it means a progressive decline over time. For all, it is life changing.
- Symptoms vary between people and can come and go; they can include severe pain, walking difficulties, debilitating fatigue, partial blindness and thinking and memory problems.