



**National Disability Insurance Scheme Amendment (Quality and Safeguards
Commission and Other Measures) Bill 2017**
Senate Community Affairs Legislation Committee
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Volunteering Australia Contacts

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About Volunteering Australia

Volunteering Australia is the national peak body for volunteering. We work to advance volunteering in the Australian community.

Volunteering Australia's vision is to promote strong, connected communities through volunteering. Our mission is to lead, strengthen, promote and celebrate volunteering in Australia.

We work collectively with the seven State and Territory volunteering peak bodies to deliver national, state/territory and local volunteering programs and initiatives in accordance with the Government's priorities.

Introduction

Volunteering Australia welcomes the opportunity to provide a response to the Senate Community Affairs Legislation Committee on the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017*.

The *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017* was introduced by the Government to protect and prevent people with disability from experiencing harm from poor quality or unsafe supports or services under the National Disability Insurance Scheme (NDIS).

In February 2017, the Disability Reform Council released the NDIS Quality and Safeguarding Framework that addresses many of the issues raised during the Senate Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings. The Framework was developed in consultation with people with disability, carers, providers, and peak bodies over a three-year period.

The Bill seeks to address several issues raised during the Senate Inquiry, Victorian Government inquiries, and the Royal Commission into Institutional Responses into Child Sexual Abuse. The inquiries uncovered a range of failures, including issues around reporting and responding to abuse, and an inadequate national screening of workers. They called for a nationally consistent approach to provider accreditation, the use of behaviour support strategies, and a process to monitor restrictive practices.ⁱ

The Bill contains standards and obligations that will apply to all NDIS providers and workers. It includes the NDIS Code of Conduct, and mechanisms for reporting and complaints.

- Schedule 1 seeks to amend the Act to establish the NDIS Quality and Safeguards Commission, as an independent statutory body with integrated regulatory functions.
- Schedule 2 seeks to make several amendments to the Act to improve the operation of the Act following an independent review.ⁱⁱ

The new system aims to replace a fragmented system of quality and safeguards across each State and Territory, to deliver a nationally consistent approach, by creating a single body for people with disability, their families and carers, to raise concerns with. A national system for regulation is required

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to both identify and mitigate risks, achieve the vision of the NDIS, and support people with disability to exercise choice and control.

Volunteering Australia's response specifically responds to the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017* and its relation to volunteer involvement.

This includes the expectations of both providers (Volunteer Involving Organisations) and workers (volunteers), the costs involved in engaging volunteers safely in the NDIS, the role volunteers can play in supporting people with disability to respond to violence, abuse and neglect, the social capital derived from volunteer engagement, and the need to ensure there is adequate representation of the voice of volunteering in quality and safeguard structures.

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Volunteering Australia Response

Overview

Volunteering plays a central role in Australia's national identity, making an annual economic and social contribution of \$290 billion.ⁱⁱⁱ Volunteering continues to engage Australians in increasingly diverse and significant ways. Recent data indicates there are 5.8 million Australians or 31 per cent of the population who are engaged in formal volunteering activities and programs.^{iv}

In Australia, over 4 million people, or 20 per cent of a population of over 23 million people are reported as having a disability. Further, over 1.3 million Australians report having a "profound or severe disability".^v Between 2010-11 there were 2,283 disability support services funded by State/Territory or the Federal Government throughout Australia, managing 13,883 services. The main service providers (82%) were in the non-government sector, and many of those (86%) were in income tax exempt charities.^{vi}

Volunteers are considered essential to the provision of supports and services that are integral to the NDIS. The volunteer workforce has been critical in the roll-out of the National Disability Insurance Scheme (NDIS), and the delivery of key NDIS programs, supports, and services. Volunteering Australia believes that to ensure that the NDIS adequately recognises and resources Volunteer Involving Organisations, Volunteering Support Services and volunteers, it is essential that volunteering is fully recognised in the Bill, and by the Quality and Safeguards Commission.

Volunteering Australia supports the amendment in the Bill: Schedule 1, Part 1, Section 9 (definition of *officer*) to repeal the definition as it currently stands, and instead include those engaged on a voluntary basis.

Volunteer Engagement in the NDIS

Volunteering Australia's submission to the Information, Linkages and Capacity Building Commissioning Framework Consultation^{vii} identified that the NDIS interacts with volunteers in two ways:

- Volunteers are engaged to work within disability support service organisations;
- The NDIS engages people with barriers more inclusively into society, either through volunteering as an end unto itself, or using volunteering as a pathway to paid employment.^{viii}

However, our 2016 *State of Volunteering in Australia* report identified a misalignment between the level of community interest in volunteering in the disability support sector compared to the number of positions to be filled. The report also identified that the disability support sector was fifth-highest for unmet volunteer demand, behind community services, young people, education, and health (with some crossover between health and disability services).^{ix}

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Case Study 1

The NDIS is promoting community participation, and encouraging participants to find out what volunteering opportunities are available. Participants are encouraged to pursue their areas of interest and become involved with others who share that interest (i.e. clubs, associations, committees, NGOs, etc.)

Source: Volunteer Involving Organisation (25 July 2017)

Volunteering Australia believes the NDIA can play an important role in informing people with disability of volunteer opportunities available within the NDIS, and the community more broadly, and how their needs may be met. Equally, people with disability can also be engaged through volunteering as an end unto itself.

Violence, Abuse and Neglect

The NDIS Quality and Safeguards Framework involves a mixture of formal and informal regulations. These include:

- Statutory complaints handling;
- Serious incident reporting and oversights;
- Worker screening, including working with vulnerable people checks and police checks;
- Controls on the use of restrictive practices; and,
- Quality assurances consistent with the National Standards for Disability Services.

While the framework provides several regulations, it is important to consider the role that volunteers can play in responding to violence, abuse and neglect that people with disability may experience. According to the Disabled Peoples Organisation Australia, “people with disability experience far higher rates of violence than the rest of the community”.^x Further, “people with disability are often treated as ‘unreliable witnesses’, or are not even permitted by law to provide testimony at all.”^{xi}

Volunteers, such as community visitors, can offer a unique role as independent observers to respond to violence, abuse and neglect. They can provide impartial observation on issues, which differs from paid employees, given they are engaged in their role “for the common good and without financial gain”. The Community Visitor schemes (though not available in every state and territory), “provide a limited safeguard for people with disability in some institutional and residential settings.”^{xii}

Specialist training for volunteers in the disability support workforce is also essential to negate abuse and exploitation. Volunteering Australia highlighted this in our response on the National Disability Insurance Scheme (NDIS) Code of Conduct. Volunteers must receive adequate support, education, management and training when working with people with disability. The need for this is further heightened by rapid change, turnover and demand within the disability support workforce.^{xiii}

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Operational Cost of Volunteering

While volunteering is “time willingly given for the common good and without financial gain”^{xiv}, volunteering comes at significant cost to Volunteer Involving Organisations. The operational cost of delivering quality, innovative, and agile volunteering programs that respond to the needs of the disability support sector is steadily increasing, and requires investment.

In disability support, training is specialised and can be resource-intensive. This was identified in the 2011 Productivity Commission Report, in regards to a huge increase in the number of volunteers in the aged care workforce. The Report noted, “Funding for services which engage volunteers in service delivery should consider the costs associated with: volunteer administration and regulation; and appropriate training and support for volunteers.”^{xv}

Volunteering Australia is of the view that Disability Awareness Training is of profound benefit to volunteers and Volunteer Involving Organisations, and is essential to delivering a human-rights based approach to service delivery. Volunteering Australia’s 2016 *State of Volunteering in Australia Report* identified that many smaller Volunteer Involving Organisations may not have had the opportunity to participate in Disability Awareness Training, either due to funding restraints or lack of access.^{xvi} These organisations would also benefit from Mental Health, First Aid, and Supported Decision Making training. While these modules are highly valuable to the provision of quality supports and services, the costs associated with them can be prohibitive.

Case Study 2

Most people becoming volunteers at X organisation have had no disability awareness training, and many have little or no contact with people with intellectual disability.

Source: Volunteer Involving Organisation (25 July 2017)

According to Volunteering Australia’s 2016 *State of Volunteering in Australia* report, “Volunteering Involving Organisations generally lack resources both human and financial, and this can inhibit their ability to engage volunteers with barriers.”^{xvii} This includes people with disability and language barriers. This lack of resources inhibits a Volunteer Involving Organisation’s ability to “recognise their existing volunteer base.” The report identified that 46% of respondents had difficulty or were unable to recruit or engage volunteers with barriers. This generally stemmed from organisations not having the vital resources (at 51 per cent).^{xviii}

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Case Study 3

Volunteer Involving Organisations are finding that they don't have suitable 'Introduction to Volunteering Training' for people with intellectual disability. They also lack suitable volunteering opportunities in their data bank for volunteers with disabilities in general, let alone intellectual disability.

Source: Volunteer Involving Organisation (25 July 2017)

Adequate supports and mechanisms need to be initiated to produce the best possible outcomes for NDIS participants, Volunteering Involving Organisations, and volunteers engaged in the disability support sector. We recommend that Volunteering Involving Organisations must be adequately resourced to support volunteers. Further, for the effective delivery of supports and services, education and training should be in line with the *National Standards for Volunteer Involvement*.

National Standards for Volunteer Involvement

The *National Standards for Volunteer Involvement* have been developed in consultation with the volunteering sector to support the involvement of volunteers and act as a resource for volunteer involving organisations. The Standards are a best-practice framework for volunteer management, covering eight fundamental areas of volunteer involvement. The Standards encourage organisations to consider the role of volunteers within their organisations, and the impact that effective volunteer involvement can have on achieving both strategic and operational goals.

The guidelines provided by the Standards state that volunteers should be given information about how to make a complaint or raise a concern within an organisation and to relevant external bodies. They advise that grievances from volunteers should be managed consistently, transparently, equitably and in line with the principles of natural justice.

Volunteering Australia recommends the use of the *National Standards for Volunteer Involvement* as a best-practice guide for volunteer participation in the NDIS.

Compliance with Statutory Rules and Regulations

Volunteers, Volunteer Involving Organisations and managers of volunteers, must be aware of the statutory rules and regulations in place around the privacy of people with disability. To ensure that there is complicity with the relevant statutes, Volunteering Australia recommends adequate education and training prior to involvement in the NDIS, so that both providers and workers are aware that they must not disclose personal details and information about a person with disability without consent.

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Case Study 4

As people with disability engage with sporting clubs, theatre groups, community gardens, service clubs, environmental groups, community choirs, etc., Volunteer Involving Organisations will need to cover the costs of assistive technologies, as well as educate and train their staff and volunteers in relation to disability-friendly practices and legislative compliances.

Source: Volunteer Involving Organisation (25 July 2017)

Volunteering Australia believes that the health, safety and wellbeing of both volunteers and people with disability are paramount and should be protected in the workplace. Volunteers have the same rights and responsibilities as paid workers under Work, Health and Safety legislation, so it is imperative that organisations recognise the duty of care toward volunteers, and consider the health and safety procedures. To meet this, volunteers should be insured for personal injury and liability, and have access to the same post-incident debriefing and support provided to paid employees.

Social Capital from Volunteer Engagement

The social capital derived from volunteer engagement in the NDIS is of great benefit to both participants and volunteers. Volunteers play a unique role in assisting people with disability by developing meaningful relationships, and reducing social isolation.

Volunteering Australia's response to the Productivity Commission's inquiry on the National Disability Insurance Scheme (NDIS) Costs, identified that participants accessing the NDIS achieve the best results, and can attain optimum choice and control, when they can access a diverse range of providers. The recent Harper Inquiry into Competition Policy also included recommendations that accessing a diversity of service providers should be encouraged. This includes the use of Volunteering Support Services and Volunteer Involving Organisations.

Organisations who engage volunteers in the disability support sector have stated there is a difference between the outcomes achieved by paid staff and volunteers. A *Survey of Victorian Disability Organisations* found that 83 per cent of respondents saw the role of volunteers as unique, with volunteers providing an extra social connection and community participation, genuine relationships, and the value of lived experiences.^{xixxx}

Case Study 5

"Volunteers have more time to give for social interaction, therefore increasing much needed social networks for people and meaningful relationships are formed by sharing common interests, values and goals. This extra time and attention leads to improved self-esteem and general wellbeing as well as providing life enhancing opportunities and experiences for those people accessing our services."

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For people from culturally and linguistically diverse (CALD) backgrounds, forming relationships with people from a similar cultural background can be of profound benefit. Currently, the NDIA has no workforce development strategies aimed at addressing this gap, with hope that the diversity dividend will organically establish itself. While the NDIS focuses on choice, participants should be able to connect with people of their own age, gender, and from a shared culture. Volunteers can play a key role in building social capital, and provide an integral link in cultivating social connections for many participants.

Ensuring Representation

Building people with disability and representative organisations, such as Volunteering Support Services and Volunteering Involving Organisations, into quality and safeguarding structures is essential. Ensuring that people with disability, volunteers, Volunteering Support Services and Volunteer Involving Organisations are involved in the design, and monitoring, and that they have a say on the policy that affects them. It is a missed opportunity if they aren't structurally inserted in quality and safeguarding structures. This could be in the form of governance or special advisory committees. However, by not partnering with support services engaged in the NDIS, such as Volunteering Support Services and Volunteering Involving Organisations, volunteers, civil society organisations, and people with disability, the outcome is poor policies that aren't effective.

Volunteering Australia would also like to highlight the key role the National Disability Advocacy Program (NDAP) provides people with disability to enjoy choice and control. Emphasised in NDAP is the 'citizen advocacy' approach to disability advocacy. While the relationship between the NDIS and NDAP is complex, this model seeks to match people with disability with volunteers, who can act in a partisan manner, and ensure that decisions are both "fair and robust".^{xxi} By maintaining these structures, the quality and safeguards commission can assist people with disability to attain greater choice and control.

Currently, the volunteering sector is largely absent in the disability policy space. Volunteering Australia is keen to partner with the NDIA, to ensure the age, gender, and cultural needs of people with disability engaged in the NDIS are met. We firmly believe that if this is not capitalised on, it is a missed opportunity.

NDIS Code of Conduct

It is the view of Volunteering Australia that volunteers must comply with the NDIS Code of Conduct, and that anyone should be able to make a complaint about NDIS funded supports, including breaches.

As outlined in our submission on the National Disability Insurance Scheme (NDIS) Code of Conduct, there should be adequate mechanisms in place to support "workers", including volunteers, to feel empowered to make complaints without fear of reprisals. There should also be processes in place where a complaint can be escalated if a circumstance should arise where a volunteer may not be supported by the provider, or where a participant is unable to speak up.^{xxii}

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The NDIS Code of Conduct discussion paper outlined that providers and volunteers should raise and act on concerns relating to the safety or quality of NDIS supports and services being delivered. It is the view of Volunteering Australia that Volunteer Involving Organisations should also feel both supported and empowered to contact the NDIS Quality and Safeguards Commission with concerns, and report all incidents, including any involving violence, exploitation, neglect or abuse.

Volunteers should also feel empowered and comfortable to raise concerns with their manager in the first instance, and should be encouraged to contact the NDIS Quality and Safeguards Commission if their concerns are not adequately addressed. Volunteering Australia is pleased that whistle-blower provisions have been included in the Bill. We recommend that these provisions be extended to include volunteers and their providers, including Volunteer Involving Organisations.

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Summary of Recommendations

- Volunteering Australia recommends the Committee amend Schedule 1, Part 1, Section 9 (definition of *officer*) of the Bill, to repeal the definition as it currently stands, and instead include those engaged on a voluntary basis.
- We recommend the NDIA play a more prominent role in informing people with disability of volunteer opportunities available within the NDIS, and how their needs may be met.
- Volunteering Australia recommend that people with disability be engaged through volunteering as an end unto itself.
- We recommend that for the effective delivery of supports and services, education and training should be in line with the *National Standards for Volunteer Involvement*.
- Volunteering Australia recommends the use of the *National Standards for Volunteer Involvement* as a best-practice guide for volunteer participation in the NDIS.
- That people with disability, volunteers and representative organisations, such as Volunteering Involving Organisations, should be built into quality and safeguarding structures.
- The preservation of the National Disability Advocacy Program (NDAP), given the key role it plays in supporting people with disability and their advocates.
- Volunteering Australia recommends whistle-blower provisions be extended to include volunteers and their providers (such as Volunteer Involving Organisations).

Conclusion

Volunteering Australia appreciates the opportunity to provide a response to the Committee on the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017*.

While the establishment of the Quality and Safeguards Commission, and Code of Conduct are a landmark step in ensuring the protections of people with disability, workers (including volunteers) and service providers, the protections and mechanisms that exist within the Quality and Safeguarding Framework do not extend to all people with disability; only those who are NDIS eligible. We recommend further work to ensure that all people with disability, service providers and workers (including volunteers) are afforded the same level of protections, and compliance mechanisms, as laid out in the Bill.

Volunteering Australia encourages the Committee to consider our recommendations in relation to volunteer engagement in the NDIS, and that there is a greater attention on the contributions of the volunteer workforce.

We would welcome further opportunity to consult or expand on any of our recommendations raised in this response, and are committed to working with the relevant agencies to promote the economic, social and cultural value of volunteering.

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Authorisation

This submission has been authorised by the Chief Executive Officer of Volunteering Australia.



Ms Adrienne Picone

Chief Executive Officer

Endorsements

This submission has been endorsed by the seven State and Territory volunteering peak bodies.

Glossary

- VA** Volunteering Australia is the national peak body for volunteering in Australia. It works collectively with the peaks to deliver national, state and local volunteering programs and initiatives.
- VIOs** Volunteer-involving organisations are organisations that utilise volunteers as part of their workforce.
- VSSs** Volunteer support services (also known as volunteer resource centres or volunteer support organisations) provide place-based volunteer support services to volunteers and VIOs in their locality.

ⁱ TimeBase, 'National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other Measures) Bill 2017 [CTH]', Online legislation research, <https://www.timebase.com.au/news/2017/AT04247-article.html>

ⁱⁱ TimeBase, 'National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other Measures) Bill 2017 [CTH]', Online legislation research, <https://www.timebase.com.au/news/2017/AT04247-article.html>

ⁱⁱⁱ Flinders University (31 October 2014) 'Volunteering worth \$290 billion a year', <http://blogs.flinders.edu.au/flinders-news/2014/10/31/volunteering-worth-290-billion-a-year>

^{iv} Australian Bureau of Statistics (2015) 'General Social Survey: Summary Results, Australia, 2014', available online at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4159.0>.

^v Volunteering Australia and Volunteering and Contact ACT (2016), Submission to NDIA ILC Framework Consultation, p3.

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- ^{vi} Turbit, Patrick for 3 Bridges Community (2016) Volunteering in the NDIS, p8.
- ^{vii} National Disability Insurance Agency (December 2015) Information, Linkages and Capacity Building Commissioning Framework – Consultation Draft. Available online at http://www.ndis.gov.au/sites/default/files/ILC-Commissioning-Framework-Consultation-Draft_0.pdf.
- ^{viii} Volunteering Australia and Volunteering and Contact ACT (2016), Submission to NDIA ILC Framework Consultation.
- ^{ix} Volunteering Australia and PwC (2016) 2016 State of Volunteering in Australia, <https://www.volunteeringaustralia.org/wp-content/uploads/State-of-Volunteering-in-Australia-full-report.pdf>, p.vii. <http://www.volunteeringaustralia.org/wp-content/uploads/State-of-Volunteering-in-Australia-ExecutiveSummary1.pdf>.
- ^x Disabled People’s Organisations Australia, ‘Media Release: 163 Civil Society Organisations call on Prime Minister to announce a Royal Commission into Disability Violence’, Information for media, <http://dpoa.org.au/media-release-163-civil-society-organisations-call-prime-minister-announce-royal-commission-disability-violence/>.
- ^{xi} Disabled People’s Organisations Australia, ‘Media Release: 163 Civil Society Organisations call on Prime Minister to announce a Royal Commission into Disability Violence’, Information for media, <http://dpoa.org.au/media-release-163-civil-society-organisations-call-prime-minister-announce-royal-commission-disability-violence/>.
- ^{xii} Australian Cross Disability Alliance (August 2015), Submission to Inquiry into Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings, http://pwd.org.au/documents/Submissions/ACDA_Sub_Sen_Inquiry_Violence_Institutions.pdf, p66.
- ^{xiii} Volunteering Australia (2017), Response to National Disability Insurance Scheme (NDIS) Code of Conduct, https://www.volunteeringaustralia.org/wp-content/files_mf/1498114931VolunteeringAustraliaResponsetoNationalDisabilityInsuranceSchemeNDISCodeofConduct.pdf, p5.
- ^{xiv} Volunteering Australia (2015) ‘Definition of Volunteering’, <http://www.volunteeringaustralia.org/policy-andbest-practise/definition-of-volunteering/>.
- ^{xv} Commonwealth of Australia (2013) ‘Portfolio Budget Statements 2013-14: Budget Related Paper No. 1.14, Prime Minister and Cabinet Portfolio’, https://www.dpmc.gov.au/sites/default/files/publications/pbs_2013-14_Portfolio.doc, p25.
- ^{xvi} Volunteering Australia and Volunteering and Contact ACT (2016), Submission to NDIA ILC Framework Consultation, p9.
- ^{xvii} Volunteering Australia and PwC (2016) 2016 State of Volunteering in Australia, <https://www.volunteeringaustralia.org/wp-content/uploads/State-of-Volunteering-in-Australia-full-report.pdf>, pix.
- ^{xviii} Volunteering Australia and PwC (2016) 2016 State of Volunteering in Australia, <https://www.volunteeringaustralia.org/wp-content/uploads/State-of-Volunteering-in-Australia-full-report.pdf>, pix.
- ^{xix} Extended Families Australia, Inclusion Melbourne, Interchange Incorporated and People Outdoors (2015) ‘Volunteering and the National Disability Insurance Scheme: A Survey of Victorian Disability Organisations’.
- ^{xx} *ibid.*, p2.
- ^{xxi} Disability and Carers, National Disability Advocacy Program (NDAP), Department of Social Services, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-people-with-disability/national-disability-advocacy-program-ndap>.
- ^{xxii} Volunteering Australia (2017), Response to National Disability Insurance Scheme (NDIS) Code of Conduct, https://www.volunteeringaustralia.org/wp-content/files_mf/1498114931VolunteeringAustraliaResponsetoNationalDisabilityInsuranceSchemeNDISCodeofConduct.pdf, p3-4.