



Brotherhood
of St Laurence

Working for an Australia free of poverty

Making change that lasts:
reforming systems affecting the
rights, needs and interests of
Australians with disability in early
childhood and transition to
adulthood

Submission to consultation on the Australian
Government response to the Royal
Commission into Violence, Abuse, Neglect
and Exploitation of People with Disability

February 2024

Summary

This submission draws on research, knowledge, practice, networks and advocacy across the Brotherhood of St. Laurence (BSL) related to the rights, needs and interests of Australians with disability over their whole lives.

In our day-to-day work, BSL observes clear and persistent links between disability, poverty and marginalisation. Policy, practice and service systems such as health, education, employment, housing, transport, early childhood and aged care are failing to adequately respond or adapt to the needs of people with disability. The convergence of recommendations from the Disability Royal Commission (DRC) and the National Disability Insurance Scheme (NDIS) Review demanding change present a unique opportunity to shift ways of working and mindsets around disability in Australia.

For reasons detailed below, BSL has not completed the online questionnaire. Instead we have provided BSL comment on issues that relate to important themes in the DRC Final Report including the importance of enabling autonomy and access for people with disability; and the importance of inclusive services. In particular, this submission addresses the following areas:

- the importance of co-designing with people with disability and their support networks to inform the implementation of the DRC recommendations and limitations with the current consultation process
- promoting inclusion of people with disability in mainstream activity and disrupting segregated service systems (the ‘polished pathway’)
- examples of BSL services that can inform the implementation of DRC recommendations. We would welcome the opportunity to discuss these further and provide additional information to the Department.

1 The Brotherhood of St. Laurence and disability

The Brotherhood of St. Laurence (BSL) is a social justice organisation working alongside people experiencing disadvantage to prevent and alleviate poverty across Australia. Our purpose is to advance a fair Australia through our leadership on policy reform, our partnerships with communities, and the quality of our services. Our approach is informed directly by the people experiencing disadvantage and uses evidence drawn from our research, together with insights from our programs and services, to develop practical solutions that work.

BSL has operated as a NDIS Partner in the Community (PITC) since 2016, contracted by the National Disability Insurance Agency (NDIA) to deliver Local Area Coordination (LAC) and early childhood support in Victoria across the North Eastern Melbourne, Hume/Merri-bek, Brimbank/Melton, Western Melbourne and Bayside Peninsula areas. Alongside that, we deliver early childhood, youth and employment programs as well as supporting older people in their homes. Our work in these arenas is characterised by continuous improvement and learning at both organization and system levels, based on what we observe, experience and monitor at the front line of implementing the NDIS and intersecting programs and services. We employ people with disability in our disability services and across the organization .

2 Engagement and the current consultation process

BSL acknowledges the important work of the DRC and the contribution of people with disability and their families and allies to that work over four years. The Commission's 222 recommendations are wide-ranging. Many will have to be carefully considered and understood by government informed by people with disability, and reconciled with the recommendations of the NDIS Review, before being translated into action.

In 2019, the UN Committee on the Rights of Persons with Disabilities expressed concerns about Australia's slow progress on the implementation of the Convention on the Rights of Persons with Disabilities (UN CRPD).¹ Overarching actions to address those concerns since 2019 include Australia's Disability Strategy 2021-2031, the DRC, the NDIS Review, rolling inquiries by the Joint Standing Committee on the National Disability Insurance Scheme, reform of Disability Employment Services, the development of the NDIS Participant Employment Strategy and the Employ my Ability Strategy, the inquiry into Workforce Australia, the review of the Disability Services Act, and National Cabinet Agreement for foundational supports outside the NDIS to be jointly commissioned by the Commonwealth and the states.

The CRPD states that "people with disabilities should have the opportunity to be actively involved in decision making processes about policies and programs, including those directly concerning them".² It will be critical for the Australian Government to have people with disability at the centre of decision-making about how the recommendations of the DRC are implemented. Simultaneously, it will be critical to learn from and leverage best practice to achieve meaningful change within the timelines proposed by the DRC.

BSL notes that the recommendations of the DRC are underpinned by four years of evidence-gathering, testimony, reflection and nearly 8000 submissions. We also acknowledge the courage of those people providing testimony with often traumatic lived experience.

BSL presents this submission to inform the government's response to the DRC. We are responding in this form rather than completing the questionnaire so that we are able to provide a more complete response. BSL delivers a range of projects and programs that could inform the consideration of the DRC recommendations and their implementation. We have set out some of the key points of integration below.

We also have concerns about the current consultation process and approach. Specifically:

The structure, timeframe and timing of this consultation is likely to restrict engagement from people with disability and their support networks. The consultation was officially open for seven weeks encompassing Christmas and New Year public holidays, office closures and school holidays. It also coincided with the release of the final report of the NDIS Review, placing disability representative organisations under pressure to manage competing priorities with limited resources. We note the Department agreed to extend timelines for submissions on a case-by-case basis, however, this is unlikely to fully address these limitations.

¹ [Committee on the Rights of Persons with Disabilities reviews report of Australia 13 September 2019](#)

² [Convention on the Rights of Persons with Disabilities | OHCHR](#)

- It is not clear how responses to the questionnaire and consultation will be weighted and/or applied in decision-making.
- The questionnaire invited respondents to select three recommendations to support or dismiss from the 222 recommendations in the 12-volume final report of the DRC, however, there is no analysis or contextual information to inform that choice. The weight of the DRC's work warrants more than a survey of opinion on next steps.
- DSS is tasked with leading implementation of the recommendations of the DRC and the NDIS Review. Both call for coordinated, systemic reform across government to address persistent disadvantage experienced by people with disability in Australia over their life course. This systemic reform needs to be informed by research, best practice and lived experience of disability. However this consultation encourages an approach whereby respondents address the recommendations of the DRC in isolation without consideration of the interaction between recommendations and reviews.

3 Disrupting the 'polished pathway'

A critical issue identified in the DRC related to the provision of services through segregated/separated or universal service systems. Future decisions about this question will have important implications for policy settings, service design and delivery, and outcomes for people with disability. In particular, the 'polished pathway' of segregated service systems and employment³ which begins early in life,⁴ came under close scrutiny in the DRC public hearings.⁵

The DRC Commissioners were divided in the final report on the merits of segregated education, employment and housing services for people with disability.⁶ Some Commissioners concluded that inclusion for people with disability can be compatible with settings in which people with disability are separated from their peers or the broader community, subject to important principles and guidelines being observed including: agency, accessibility, human rights and participation.⁷ Other Commissioners noted that segregation can contribute to violence, abuse, neglect and exploitation of people with disability by keeping them 'unseen', and can perpetuate people with disability being perceived as a burden on society rather than an integral part of it.⁸

BSL has experience in service design and implementation that can inform government consideration of universal (versus segregated) provision. BSL's experience suggests that universal services create important opportunities, advantages and community connections for people with disability. For example, BSL has developed guiding principles for implementing an Inclusive Pathways to Employment (IPE) trial program (further described in the next section) that are relevant to the question of segregated versus universal service provision. The program seeks to

³ McAlpine, C 2022, 'The Polished Pathway', speech to the NDIS Jobs and Skills Summit on 17 August 2022, Inclusion Australia.

⁴ Malaquias, C 2020, *All Means All – The Australian Alliance for Inclusive Education*, Submission in response to Education and learning issues paper, 17 March 2020, ISS.001.00061, p. 37.

⁵ McAlpine, C 2020, *Public Hearing Number 9*, p. 76; *Public Hearing Number 22*, p. 41.

⁶ *Final Report - Volume 7, Inclusive education, employment and housing - summary and recommendations* (royalcommission.gov.au) pp. 47–77.

⁷ *Final Report - Volume 7, Inclusive education, employment and housing - summary and recommendations* (royalcommission.gov.au) pp. 54.

⁸ *ibid*, p. 63-66.

improve employment and life outcomes for young people with disability, and guiding principles for the design of the program include the following:

Person-centred/ self-determination: Each young person's supports are personalized. It will be different for every person and every situation. Each young person is in control of their own life and supported to make their own choices.

Mainstream first: Young people with disability should have career opportunities and pathways that are typical of young adults without disability. Each young person has opportunities to do everyday things in everyday places with everyday people at everyday times. This includes access to mainstream training and youth employment services that are designed to cater for their needs. This may require the braiding of disability-specific support with mainstream pathways and systems.

Employment pathways: Employment in the general workforce should be the first and preferred outcome in the provision of funded services and policy for all young people with disability, regardless of level of ability. We utilise a customised approach to supporting young people into employment. Many young people with disability and their families are only given, or encouraged to take, non-vocational pathways. We want to disrupt the 'polished pathway' that currently exists for many young people with disability.

Family involvement: Each family should be aspirational for their child's future and be supported to be a career ally in that journey.

Ordinary life outcomes: Each person has aspirations and goals like others at similar stages of life. All young people with disability should be able to work in jobs fully integrated within the general workforce, working side-by-side with co-workers without disability.
Roles.

Early evidence with IPE suggests that where effective universal services are available they offer important advantages in supporting children and young people with disability to participate in mainstream social and economic activity. BSL recognises that many universal services require enhancement and intentional development to effectively support people with disability. Developing a pathway to enhanced universal services will require careful design and management to ensure that:

- universal services have the capacity and capability to receive and support people with disability in a way that strengthens inclusion and community engagement
- the transition of people with disability from segregated to universal services does not result in people being 'stranded' between (phased-down) segregated services and (not-yet-ready) universal services
- people with disability, families and carers are active agents in any transition, with a sense of ownership and control over timing and process
- the current carer workforce and the workforce in universal service areas are supported and augmented to enable a transition.

4 BSL services and the DRC recommendations

BLS notes the DRC made a number of recommendations highlighting the role and importance of providing access to mainstream services in areas including education (recommendations 7.1 to

7.14,)), employment (recommendations 7.16 to 7.23, 7.28 to 7.32) and housing (recommendations 7.33, 7.43 to 7.44).

As a NDIS PITC, contracted by the NDIA to deliver LAC and early childhood support, BSL has supported in excess of 59,000 NDIS participants to access the supports they need, in and outside of the Scheme (as at December 2023). In addition, as part of the PITC contract, BSL supports people with disability who are not NDIS participants (due to factors such as residency status and severity of disability). BSL advocates for services and support to be available for all people with disability, not only those within the NDIS. A part of BSL's PITC role is to link all people with disability to mainstream and community services in their local communities. However, BSL has noted a significant reduction in the availability of these mainstream services, both in their capacity to support the number of people requiring their service, but also the reluctance to support all people – citing the need for specialist funding to provide access for people with disability to their services that should, and were previously, available to all community members. Shrinking access to services in community for people with disability significantly increases the likelihood of people needing access to the NDIS and communities become increasingly less inclusive. The recommendation from the NDIS Review for federal and state governments to jointly deliver **foundational supports** to people with disability, which has agreement from National Cabinet, is intended to address that important economic and human rights issue.⁹

BSL also seeks to influence systems accessed by young people with disability and their families at two significant life stages, including **early childhood** and **transition from school to work**, and also systems supporting inclusion and engagement in the community. This work includes:

- analysing how the legislative and policy landscape shapes relationships between stakeholders
- identifying opportunities to align policy, practice and resources across service systems to improve outcomes
- partnering for success.

Our work in early childhood and youth employment intersects with numerous DRC recommendations to varying degrees, across human rights (Volume 4); governance (Volume 5); autonomy and access (Volume 6); education, employment and housing (Volume 7); criminal justice (Volume 8); First Nations (Volume 9); disability services (Volume 10); risk and oversight (Volume 11); and linked data (Volume 12). Examples of BSL services that relate to, and can inform, the consideration and implementation of DRC recommendations are presented below.

Early childhood

BSL Primary Service Provider (PSP) pilot project – Brimbank/Melton

This innovation project, funded by the NDIA, will support children aged 0 to 5 with developmental concerns who are not accessing the NDIS across 150 families over the 2024 calendar year in the Brimbank and Melton Local Government Areas (LGAs) in Victoria. The program will provide a minimum of 20 contact hours across a 12-month period with a focus on strengthening informal supports, parental wellbeing, promoting secure parent–child attachment, increasing community participation and facilitating inclusion in universal settings. Insights from the pilot can inform implementation of DRC recommendations related to autonomy and access,

⁹ [NDIS Review Foundational Supports for all people with disability](#)

and inclusive education (volumes 6 and 7). It will also inform NDIS Review recommendations related to foundational supports (NDIS recommendation 1). We would be keen to share what we learn from the pilot over the course of its implementation for this purpose.

The pilot provides supports for children at an early stage to build capacity and have their development monitored. Without this assistance and the ability to address issues at an early stage, children's support needs can continue or increase as they age. The pilot will assess if an increase in resources and using best practice over 12 months can make a difference to the capacity of both child and family, and their overall development trajectory. This can indicate whether the child will need access to a NDIS funded package of supports, or whether some children can be supported more intentionally to access mainstream services that will meet their needs.

Children in the pilot are from diverse language groups (English, Vietnamese, Chinese, Farsi, Spanish), and developmental profiles include concerns related to challenging behaviour, language and communication skills, and play and social skills.

Families in the pilot include parents who are: facing isolation and disconnection; non-driving; non-English speaking; those with intellectual disability; and experiencing inconsistent/insecure housing.

Transitions from school to work for young people with disability

Inclusive Pathways to Employment

BSL is piloting an Inclusive Pathways to Employment project, with philanthropic funding, to test whether and how a mainstream youth employment service can support young people with disability to prepare for and find work. This aligns with DRC recommendations in relation to pathways to work and employment for people with disability that emphasise the need for early intervention and evidence-based supports to facilitate job readiness and participation in open employment (volume 7).¹⁰

The pilot runs between June 2023 and June 2025, and in total will involve approximately 1800 young people with disability aged 15–24 years, together with government and civil society stakeholders. IPE has three components:

- **An IPE pilot program delivered in four regions:** to provide individualised support to young people with disability through an expanded version of mainstream employment services.
- **An IPE hub:** to provide evidence-based practice resources, workforce development and research to policy makers, employers and schools.
- **Policy and research:** A research and policy development program in collaboration with the Department of Social Services (DSS), DEWR and the NDIA. This includes workshops to review evidence from the pilot and analyse future policy and service options.

¹⁰ [Final Report - Volume 7, Inclusive education, employment and housing - summary and recommendations \(royalcommission.gov.au\)](#), p9, and for example recommendations 7.32 (segregated employment) and 7.5 (careers guidance and transition services).

Importantly, IPE is being co-designed in action by young people with disability, their families and support networks, federal and state government policy makers, service providers, community networks, employers and other stakeholders.

Those in all levels of government tasked with addressing the DRC's recommendations over coming years will be looking for robust evidence to drive change. With lessons from services such as IPE, and leveraging on broader expertise in youth employment and disability services across BSL and its partners like the University of Melbourne, BSL is well placed to contribute to this support and keen to inform this change.

Inclusion and community engagement

Hume LAC pilot

Simultaneously, BSL is also running an innovation project for 12 months over 2024 in the Hume/Merri-bek LGAs of Melbourne, an area with high levels of disadvantage and a significant BSL service footprint. This pilot will be testing two areas highlighted in the NDIS Review: foundational supports and the general navigator role. It can also inform DRC recommendations in areas including autonomy and access (Volume 6) and education, employment and housing (Volume 7).

The team will be based within the local community and undertake deep consultation to explore which services, including foundational supports, the community identifies as being required to meet their needs. This work is informed by the 2022 paper *Tier 2 tipping point: access to support for working-aged Australians with disability but without individual NDIS funding*, published by the Melbourne Disability Institute.¹¹ The team will also benchmark current services and review changes in service provision that have occurred since the 'Tier 2 tipping point' audit was undertaken.

The pilot will also trial a place-based model of disability support and service navigation for people aged 18 and over who are not accessing, or in some cases not actively utilising, NDIS funding. The pilot is at an early stage and the final number of participants is being determined. The approach is based on selected components of the 'General navigator' role outlined in the recent NDIS Review recommendations. The pilot provides interim supports through assertive outreach, general service/support navigation and a range of other functions. The aim of the pilot is to assist individuals to access community and mainstream supports; develop and strengthen natural and informal support networks; and build capacity for social, community, civic and economic participation.

5 Next steps

As government shapes its response to the DRC (and the NDIS Review), BSL would welcome the opportunity to meet with the DRC Response Team and to share our experience, research and evidence. Discussion could include how BSL's work, insights and networks in early childhood and

¹¹ [The Tier 2 tipping point: access to support for working-age Australians without individual NDIS funding \(bsl.org.au\)](https://www.bsl.org.au/resources/11-the-tier-2-tipping-point-access-to-support-for-working-age-australians-without-individual-ndis-funding)

transitions from school to work for people with disability and their families might inform implementation of DRC recommendations.

6 Further Information

For further information or to discuss this submission, please contact:

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