



## **SECOND SIX MONTHLY REPORT**

# **IMPLEMENTATION OF THE GOVERNMENT RESPONSE TO THE RECOMMENDATIONS OF THE REPORT OF THE BOARD OF INQUIRY INTO DISABILITY SERVICES**

**Authorised by  
Mr Bill Wood MLA  
Minister for Disability, Housing and Community Services**

**September 2003**

## **SECOND SIX MONTHLY REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE REPORT OF THE BOARD OF INQUIRY INTO DISABILITY SERVICES.**

### **Introduction**

The following report outlines progress that has been made against the Government Response to the Recommendations of the Board of Inquiry into Disability Services since the first six-monthly report was tabled in the Legislative Assembly in April 2003.

The Government had already taken action on certain recommendations prior to the tabling of the Government Response, such as the formation of the Department of Disability, Housing and Community Services. These actions were noted in the Government's response tabled on 26 September 2002. Other recommendations were not agreed to by the Government, and no further action will be taken against them. In instances where actions have already been taken, or where the Government has stated that no action is to be taken, the relevant recommendations have been removed from this report.

### **Summary of Progress**

The Government has:

- established a new Disability Advisory Committee that replaced the former Disability Advisory Committee and Disability Reform Group;
- completed a restructure of Disability ACT into three areas: Individual Support Service, Policy and Planning, and Sector Development and Support;
- introduced a number of initiatives into the Individual Support Service (ISS – previously known as the Disability Program):
  - commenced a pilot of the Active Support Model in two group homes
  - introduced a new structure with the following streams: Accommodation Support, Community and Family Support, and Operational Support
  - commenced a pilot of a Needs Assessment and Community Linking Service
  - revised the role of the Placement Committee to one of safeguarding the transition of people in, out and across ISS
- established a single therapy service for children and adults, combining the Multi-Disciplinary Team and the Child Health and Development Service into a separate Group in the Department, to be known as Therapy ACT;

- formally approved the Disability Reform Working Group workplans for 2003-2004, in the areas of Housing, Workforce, Quality, Legislation, and Access, Eligibility and Funding;
- completed an evaluation of the Individual Support Package Program;
- completed a scoping study on current and future approaches to accessing services offered and funded by the Department;
- successfully introduced the revised Taxi Subsidy Scheme;
- successfully developed and launched, in conjunction with the Disability Advisory Council, an Access to Government Audit Kit
- developed the Interim Planning Guidelines for Access and Mobility, to assist the development industry and the ACT Planning and Land Authority to meet their responsibilities under the Commonwealth and Territory Discrimination Acts;
- developed Public Forum Access Guidelines to improve opportunities for participation by people with sensory impairment or mobility restrictions;
- signed an agreement with the Chief Minister's Department, accepting a grant of \$50,000 for providing people with a disability basic IT access and skills;
- developed an Information Management Plan, whereby the Australian Bureau of Statistics has agreed to assist Disability ACT with obtaining information to better inform planning and policy development;
- provided input to the preparation of disability questions for the 2004 Census;
- funded six innovation pilots to be conducted over 2003/04;
- completed a review of all service purchasing agreements between Disability ACT and non-government service providers;
- commenced, in June 2003, the Review of Statutory Oversight and Community Advocacy Agencies (due for completion in September 2003);
- conducted a series of workshops with a wide range of people with disabilities, their families, carers and service providers, exploring the implications of the DRG Vision and Values Statement for the future directions of disability in the ACT;
- commenced development of a Caring for Carers Policy; and
- commenced implementation of a student-centred approach to allocating resources to special and mainstream schools for students with a disability.

<i>Recommendation</i>	<i>Government Response (September 2002)</i>	<i>Progress: September 2003</i>	
<b><i>General Recommendations</i></b>			
<p><b>1</b></p>	<p>The Disability Services Act 1991 should be amended to change its focus from distribution of funds to a person centred approach. The ACT Act adopted the approach of the prior Commonwealth Act of 1986. Since its enactment, development in the provision of services to people with disabilities has evolved significantly so that the Act does not reflect best practice.</p>	<p><b>Agreed.</b> The Government agrees that amendments to the Disability Services Act 1991 (ACT) (DSA), developed in consultation with the sector and tabled in the Assembly in 2003, are necessary to:</p> <ul style="list-style-type: none"> <li>▪ provide statutory powers and responsibility for the independent monitoring of compliance with standards and legislation, with particular focus on the health and safety of people with a disability. The Government will legislate to create a statutory officer (Disability Services Commissioner) with powers to undertake routine and random service performance audits, conduct inquiries and reviews, issue binding directives to improve and rectify services, administer a community visitor scheme, and provide education and support to services to assist service improvement. The Commissioner will have these powers in relation to all government funded disability services, and will be independent, reporting directly to the Minister for Disability;</li> <li>▪ establish a community advisory body to work in partnership with Government; and</li> <li>▪ provide the framework for flexible and individualised support for people with disabilities.</li> </ul>	<p><b>Update:</b> The Legislative Reform Working Group is preparing a discussion paper detailing the Working Group's proposals for the role, functions, powers and jurisdiction of the Disability Commissioner. The paper will be released for community consultation.</p> <p>The discussion paper and the input received from the community consultations will be considered by the Government in conjunction with the recommendations of the Review of Statutory Oversight and Community Advocacy Agencies. The recommendations from this review are due to be submitted in October 2003.</p>

<i>Recommendation</i>	<i>Government Response (September 2002)</i>	<i>Progress: September 2003</i>	
<i>Recommendations in response to term of reference (a)</i>			
<p><b>3</b></p>	<p>The ACT Government should create a new statutory body which might be entitled ACT Disability Services Commission whose exclusive area of operation is the supervision, planning, policy, funding allocation, purchasing and monitoring of all disability services, including the Disability Program. These responsibilities and functions should be removed from the Department of Health, Housing &amp; Community Care. It is apparent from the totality of the findings made in this Report against the Department and its senior managers that it has not adequately responded to the many opportunities given to it for reform and implementation of best practice over the years. Its history of management has been such as to warrant a significant reform of divorcing the administration of disability services from the Department to the proposed statutory Commission. The Government may be assisted in considering the form and structure of such a body by reference to the disability</p>	<p><b>Agreed with qualification.</b> The ACT Government has not established a new statutory body. In line with the Government's response to the <i>ACT Health Review</i> and with the endorsement of the Disability Reform Group, on 1 July 2002 the ACT Government established a new <i>Department of Disability, Housing and Community Services</i>, including a dedicated disability agency, <i>Disability ACT</i>. The agency has specific functions and responsibility for disability matters including planning, policy, funding allocation, purchasing and monitoring of all government-funded disability services. Disability ACT is an integrated operating agency within the new department, reporting directly to the Chief Executive and the Minister.</p> <p>The Disability Reform Group strongly recommends that the position of head of Disability ACT be a statutory officer with statutory powers backed by appropriate legislation.</p>	<p><b>Update:</b> The structure of Disability ACT has been finalised, with the establishment of the following functional areas:</p> <p><u>Individual Support Services (ISS) Team</u></p> <p>ISS (previously known as the Disability Program), aims to provide services in a way that focuses on each individual and his or her unique abilities and needs for support.</p> <p>A new structure is being developed for ISS, with the following streams:</p> <ul style="list-style-type: none"> <li>▪ Accommodation Support, which will continue to support people in their own homes (usually a group home) and to access the community;</li> <li>▪ Community and Family Support, which will look after the Needs Assessment and Community Linking Service, respite services and the aCe Program; and</li> <li>▪ Operational Support, which is responsible for staffing, monitoring quality of ISS services, and general administrative support.</li> </ul>

<p>services legislation in WA.</p> <p>Consideration should be given to including the following matters within the aegis of the proposed Commission:</p> <ul style="list-style-type: none"> <li>(i) Planning, policy and strategy for disability services in the ACT including children and adolescents with all forms of disabilities and their families,</li> <li>(ii) Planning, policy and strategy for the delivery of home care services in the ACT;</li> <li>(iii) Funding and contract negotiation/oversight for the range of services for people with disabilities;</li> <li>(iv) Supplementary funding where people with disabilities access other mainstream services or systems (eg primary and secondary education);</li> <li>(v) Development and introduction of community integration programs for people with disabilities;</li> <li>(vi) Promotion and sponsorship of new and innovative service delivery projects;</li> </ul>		<p><b>Active Support Model:</b> ISS is piloting an active support model in two Group Homes. Active support refers to a model of systematic support that focuses on engaging people in activity and the deployment of staff to do this. The project aims to:</p> <ul style="list-style-type: none"> <li>▪ make sure that a person’s day is full</li> <li>▪ increase the time people spend doing something purposeful</li> <li>▪ ensure that those people who require more support receive it</li> <li>▪ ensure that people receive support in the form they can best use it</li> </ul> <p>The benefits include allowing people to practice and master a range of skills, establishing a caring and respectful environment, and preventing or reducing the individual’s frustration and boredom.</p> <p><b>Needs Assessment &amp; Community Linking:</b> ISS is commencing a pilot of a Needs Assessment and Community Linking Service. This service will act as a single point of entry for Disability ACT services and funding, and will initially target families with urgent needs.</p> <p><u>Policy and Planning Team</u></p> <p>The Policy and Planning team is working on the development of workforce, quality improvement and funding reforms, and evidenced-based plans and policies for the following key priority groups:</p>
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			<ul style="list-style-type: none"> <li>▪ youth and young adults</li> <li>▪ older adults</li> <li>▪ mature carers</li> <li>▪ indigenous people</li> <li>▪ people with high and complex needs</li> </ul> <p>The Policy and Planning Team have also held a series of workshops, exploring the implications of the DRG’s Vision and Values Statement for a wide range of people with disabilities, their families, services providers and carers. The information gathered from these workshops is being used to inform future directions for disability in the ACT, and a series of documents will shortly be released including:</p> <ul style="list-style-type: none"> <li>▪ A statement of what the vision and values means in relation to policy development and service delivery;</li> <li>▪ A planning document outlining the direction Disability ACT will be taking over the next three years; and</li> <li>▪ Detailed three-year planning documents for key priority groups.</li> </ul> <p><u>Sector Development and Support Team</u></p> <p>Sector Development is managing the funding and contract negotiation/oversight for service providers, and developing and implementing a funding framework that will assist providers to deliver person-centred services. Future contracts will be more specifically targeted to</p>
			<p>ensure that government resources are directed</p>

	<p>(vii) Liaison with other ACT Government agencies which deliver services to the disabled, such as educational institutions, transport services, land planning and building standards and accommodation services to best ensure their needs are addressed.</p>	<p><b>Agreed:</b> The Government strongly supports the need for liaison between government agencies that deliver services to people with disabilities, to facilitate a whole-of-government approach to reforms. Disability ACT and relevant government agencies will establish a series of agreements, with associated practice protocols, to ensure comprehensive planning for life-cycle services for people with a disability. These agreements will be in place by December 2003.</p>	<p>towards services for people in the key priority groups and those with the highest levels of need.</p> <p>The Sector Development team is also overseeing six community projects initiated with funds from the Innovation Grants.</p> <p><b>Update:</b> On 28 July 2003, an Access to Government Audit Kit was launched. The Audit Kit was developed in partnership between the ACT Disability Advisory Council and Disability ACT . The Kit will assist Government Departments and agencies to identify and assess impediments to access for people with disabilities to their facilities, programs and services. Under the implementation framework, Government departments and agencies will be required to complete their audit and implement action plans within a twelve-month period. Costs associated with conducting Access Audits will be met by participating departments.</p> <p>The Department of Disability, Housing and Community Services has developed a plan to scope and audit programs, facilities and services, using the audit kit, which will result in a comprehensive action plan. An Access to Government Strategy will bring together these</p>
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	<p>Such a body would give Canberrans a single point of contact when approaching the ACT Government for services thereby overcoming the uncertainty some people have in knowing which level of government and which agency to approach. It will also provide a continuity of support to people with disabilities throughout their lives.</p>	<p><b>Agreed.</b> The Government places a high priority on assisting individuals and families to get the information and assistance they need to maintain control over their own lives and pursue their goals.</p> <p>The Government will establish service access mechanisms as a central point of access where people with a disability can receive information, referral, service planning and coordination assistance.</p>	<p>action plans from across government, to identify common areas and themes around accessibility issues.</p> <p>Service purchasing agreements with the Access City Hotline and AccessADAPT have been extended for an additional 12 months. This is a collaborative project between ACT Housing, Disability ACT and Urban Services, overseen by the Access City Reference Group.</p> <p>The Reference Group is also overseeing a mapping project funded by Urban Services. The project will map the accessibility of public spaces and buildings in the Civic area.</p> <p><b>Update:</b> In addition to acting as a single point of entry for Disability ACT services and funding, the ISS Needs Assessment and Community Linking Service will provide opportunities for families and individuals to develop Futures Plans, and assist them in accessing community supports and resources to implement the plans.</p> <p>In addition, an independent consultancy has been conducted to investigate mechanisms for providing centralised access services for the Department’s clients (see Recommendation 8).</p>
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7	<p>The objectives of the new statutory Commission should include:</p> <p>(i) Gradual adoption of the person-centred approach to assessing and delivering services to people with disabilities, in consultation with them and their families.</p> <p>(ii) Adoption of a policy of progressively withdrawing from the group home model as the predominant residential support arrangement, moving towards an individualised and integrated care and support model.</p>	<p>The following responses are made on the understanding that the new agency has not been created as a statutory Commission.</p> <p><b>Agreed.</b> There is widespread support in the sector for increasing participation of families and for moving gradually towards a wider variety of person-centred and integrated care and support arrangements.</p> <p>Disability ACT, in partnership with disability stakeholders, will take a strong role in establishing the principles and policies that will guide service improvement and development.</p> <p><b>Noted.</b> Disability ACT will target innovation and growth funds towards flexible personal and family supports while maintaining options where service users are satisfied with current arrangements.</p> <p>The Government recognises that for a number of people the group home model is working well and should continue to be supported. The objective of reforms will be to increase the range and flexibility of options without threatening existing successful arrangements, and to further develop and improve existing models.</p>	<p><b>Update:</b> Plans are being developed to guide future directions for disability in the ACT. The Plans will include strategies for focusing on the specific needs of people with disabilities across the age spectrum, and will promote a values-based, people centred approach to responsive and individualised care, support and accommodation arrangements.</p> <p>Disability ACT have completed a contract audit of all government-funded service providers and identified a range of systemic funding issues that will be addressed over the next six months.</p> <p><b>Update:</b> Individual Support Services (ISS) is commencing a pilot of a Needs Assessment and Community Linking Service. This service will act as a single point of entry for Disability ACT services and funding, and will initially target families with urgent needs.</p> <p>The new service will also provide opportunities for families and individuals to develop Futures Plans, and assist them in accessing alternatives to the current ISS group home model.</p>
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	<p>(iii) Encouraging the design and introduction of new and innovative service models that are responsive to the needs and desires of people with disabilities - including family and community governance arrangements.</p>	<p><b>Agreed.</b> Disability ACT has established an innovation fund that aims to:</p> <ul style="list-style-type: none"> <li>▪ encourage new opportunities and approaches to supporting people with disabilities that result in flexible, person-centred improvements in the long term; and</li> <li>▪ enable people to try out new ideas that expand and improve current approaches and options.</li> </ul> <p>The terms of reference for the innovation fund have been developed by Disability ACT in consultation with the Disability Reform Group. The innovation funds will be targeted towards small projects that encourage new opportunities and approaches for supporting people with disabilities and will result in flexible, person-centred improvements in the long term. The Government has allocated \$350,000 to the innovation fund, over the next 3 years. Applications to the fund will be publicly invited in September 2002.</p>	<p><b>Update:</b> Disability ACT met with all innovation grant applicants to discuss their projects. 6 applicants were successful and some have commenced the development of their projects.</p> <p>Disability ACT will work with a further 22 applicants to develop their projects, with the view that additional funding resources will be available for future innovation projects.</p> <p>All unsuccessful applicants have been notified.</p>
	<p>(iv) Introduction of new regulatory and inspection arrangements to review and monitor services for people with disabilities.</p>	<p><b>Agreed.</b> The Disability Services Commissioner will have statutory powers and responsibility for the independent monitoring of compliance with standards and legislation, with particular focus on the health and safety of people with a disability. The Commissioner will have powers to undertake routine and random service performance audits, conduct inquiries and reviews, issue binding directives to improve and rectify services, administer a</p>	<p><b>Update:</b> Disability ACT and the Disability Reform Legislation Working Group are giving the highest priority to advising the Government on the functions and powers of the Disability Commissioner, including powers to review and monitor services for people with disabilities. The Group has prepared a discussion paper, which will be released for community consultation in September 2003.</p>

	<p>(v) Reduction over time of the Disability Program by establishment of a number of smaller service units to deliver care support services. Whether these units should be best managed within or outside the government sector should be determined at a later time.</p>	<p>community visitor scheme, and provide education and support to services to assist service improvement. The Commissioner will have these powers in relation to all government funded disability services, and will be independent, reporting directly to the Minister for Disability.</p> <p><b>Agreed.</b> The Disability Program provides the following services:</p> <ul style="list-style-type: none"> <li>▪ accommodation support services providing suitable assistance to people with a disability to live in the community;</li> <li>▪ a Community Access/Linkage Service (aCe-Link), supporting people with disabilities to maintain and develop life and social skills;</li> <li>▪ centre-based respite services to give the person with a disability and their family/carer the chance to have a regular short break from each other; and</li> <li>▪ access to a range of multi-disciplinary services, including psychology, social work, physiotherapy, speech pathology, occupational therapy, and recreational services.</li> </ul>	<p>The Legislation Working Group has also provided input to the Review of Statutory Oversight and Community Advocacy Agencies, and will be putting forward recommendations on the Commissioner to be considered by the Government alongside the recommendations of the Review.</p> <p><b>Update:</b> A review of the role of Government as a service provider and the allocation of resources between government and the sector will be conducted during 2003/04.</p> <p>Disability ACT are reviewing the current role and functions of Government-provided services with a view to exiting services that would be better managed or delivered by other providers.</p> <p>The first step in this process has been completed with the transfer of the multi-disciplinary team to the newly created single therapy service, Therapy ACT. The next service for review is aCe-Link, followed by respite services.</p>
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		<p>Disability ACT is reviewing whether it is appropriate for all of these services to be provided by the Disability Program. The process of review will determine, for instance, whether the Government accommodation support service should target those in crisis situations requiring support and accommodation urgently.</p>	
	<p>(vi) Investment in support and assistance for families of people with disabilities because best practice requires that the individual should be supported in the context of their own family and the wider community.</p>	<p><b>Agreed.</b> The Government will support, value and promote the roles of families, guardians, friends, carers and significant others in the lives of people with disabilities. This will be achieved through the development of new policies and by re-designing and refocusing services towards support for individuals and their families, to make it easier for people with disabilities to have the kind of life or lifestyle that is optimal for them.</p> <p>The Government will target the innovation funds to individual and family supports as explained above. Disability ACT also recognises that investment must be made in supporting people who do not have close family support or other networks to rely on.</p>	<p><b>Update:</b>  <u>Carers Policy</u>  The Department of Disability, Housing and Community Services is currently developing a comprehensive ‘Caring for Carers’ policy, with community consultations and the preparation of a report being carried out by Artcraft Research under the guidance of the joint government/community Carers Advisory Group. The Government has committed to the development of a policy that addresses the needs of carers, to progress legislative provisions for the support and protection of young carers, and to work with carers and support organisations to develop a Carers Act.</p> <p><u>Taxi Subsidy Scheme</u>  The Government has approved significant changes to the Taxi Subsidy Scheme. These changes will be implemented from 1 July 2003. These changes will provide a greater subsidy to people who are eligible, and will ensure the voucher system is easier to use. The Government has also approved the</p>

	<p>(vii) Ensuring that adequate forward planning is carried out to determine the future demand for services from people with disabilities.</p>	<p><b>Agreed.</b> The Government agrees with the Disability Reform Group's recommendation for adequate forward planning supported by evidence-based assessment of future demand for services. A profile of people in the ACT with disabilities will be published in 2002 through Disability ACT. The specific aims of this report are to:</p> <ul style="list-style-type: none"> <li>▪ serve as a resource for informed community discussion about disability matters;</li> <li>▪ provide an information base for policy development and program planning purposes;</li> <li>▪ set benchmark data for monitoring trends; and</li> <li>▪ publish information in an accessible format for government and all disability stakeholders.</li> </ul>	<p>introduction of a Lift Fee to compensate drivers for the time taken to assist people in a wheelchair into, and out of the taxi. Customers will not be charged for this time.</p> <p><u>Digital Divide Agreement</u> Disability ACT has signed an agreement with the Chief Minister's Department, accepting a grant of \$50,000 to be spent on providing equitable access and connectivity to the Internet for people with a disability, including skills development.</p> <p><b>Update:</b> Disability ACT is undertaking research into available data on people with a disability in the ACT, to support the development of evidenced-based plans and policies. Noting issues of accuracy due to its small sample size, the key source of information is currently the ABS Survey of Disability, Ageing and Carers. Disability ACT is also represented on the ABS Census Advisory Group on Disability, providing input to the development of disability-related questions for the 2006 Census.</p> <p>The Chief Minister's Department has undertaken a comprehensive review project to map ACT Government funded services for the disadvantaged. This included services to people with a disability in the ACT.</p>
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8	<p>This authority should be funded to establish a service access centre, as part of its functions, to assess all people with disabilities and to assist and inform them and their families in identifying the options best suited to their individual needs. Such a centre would also constitute a single reference point to</p>	<p><b>Noted.</b> In line with stakeholder preferences gauged through consultations, Disability ACT will establish centralised service access based on the local-area coordinator concept and arrangements that operate in West Australia, Queensland, Victoria, Tasmania and the Northern Territory. With the disability sector in a phase of building an integrated and flexible service system, Disability ACT will</p>	<p><b>Update:</b> An independent consultancy has been conducted to investigate mechanisms for providing centralised access services for the Department's clients. The terms of reference for the consultancy were to:</p> <ul style="list-style-type: none"> <li>▪ Identify existing methods, processes and systems used to guide clients to access services offered and funded by the</li> </ul>

	<p>advise people as to the appropriate body with which to lodge complaints against service providers.</p>	<p>take a lead role in the provision of access services in the first instance. It should be noted that to ensure an independent service for users, access services are provided by government in all other jurisdictions. Disability ACT has commenced a consultative policy development process in relation to access and will work in collaboration with the Disability Reform Group and other stakeholders on designing and implementing the most appropriate structures and mechanisms for access in the ACT context and to ensure a strategic approach to implementation.</p>	<p>Department;</p> <ul style="list-style-type: none"> <li>▪ Gather and document any recent or outstanding proposals for improvements in the provision of information to staff and clients on the services available;</li> <li>▪ Identify and document any other relevant or complementary projects that may be underway or proposed in the ACT government or in the community sector;</li> <li>▪ Discuss requirements and preferences for information about the Department's services with a sample of departmental clients and non-clients and document any issues and preferences arising;</li> <li>▪ Develop a plan of action in discussion with clients and the relevant managers in the Department; and</li> </ul> <p>A report with a proposed plan of action is currently under consideration by the Department's Executive.</p> <p>The Access, Eligibility and Funding Working Group has recommended that work be undertaken to develop an access framework for disability services in the ACT. Consultation on the parameters of such a service will occur in November and December 2003 as part of the strategic planning consultation processes.</p> <p>In addition, a pilot needs assessment and community linking project within the</p>
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			Individual Support Services of Disability ACT will commence in October 2003.
<b>14</b>	<p>Until the changes recommended are fully implemented with any consequential alteration to the Disability Program's Placement Committee the following should occur:</p> <p>(i) The Placement Committee's procedures be revised to ensure that parents, guardians and families are advised of their entitlement to be given all relevant information relating to proposed residents prior to recommendation by the committee for exploration of a possible placement, their entitlement to present documents to the Committee and to appear personally before it at all stages of its deliberations;</p> <p>(ii) That the composition of the Committee be amended to include sufficient parent, guardian and family representatives to ensure a meaningful governing role; and that the Disability Program appoint to the Committee people from outside the Program with expertise in service provision; and</p>	<p><b>Agreed in principle.</b> Disability ACT will further consider arrangements for access to accommodation support across the sector through the policy development process. Research is required to develop alternative placement processes.</p> <p>Disability ACT, endorsing suggestions by the Disability Reform Group, intends to establish for the Disability Program a placement system which emphasises a culture of facilitation and promotes self-determination by people with disabilities in collaboration with their families and supporters.</p> <p><b>Agreed.</b> The Disability Program Placement Committee has a parent as the interim chairperson and has expanded its parent and family representation. The Committee also seeks to include people with disabilities in its deliberations.</p>	<p><b>Update:</b> Following an internal review, the role of the Placement Committee has been revised. The Committee is now responsible for safeguarding the process of transitioning people in, out and across Individual Support Services. All proposals for transitions will be reviewed by the Committee to ensure good consultation, advocacy and planning processes have been followed. The Committee will soon be open for applications from the community to become members, for a two year term. The Chair of the Committee is now a community representative, and there is an equal representation between community and government members.</p>

	(iii) That the Chair of the Committee be completely independent, and free from any possible conflict of interest.	<b>Agreed.</b> The Disability Program will appoint an independent person to facilitate the Placement Committee. The Government agrees with the Disability Reform Group recommendation that this is an interim response, pending activities outlined above.	
<b>15</b>	The Disability Program should not continue to be responsible as landlord for providing accommodation for its clients. Instead, disabled people should have the same rights and entitlements to enter into accommodation agreements with housing providers, both government or private, as is available in the general community.	<p><b>Agreed.</b> The Government agrees that people with a disability should have the same rights and entitlements as others to enter into accommodation agreements with suitable housing providers and should have access to a range of accommodation and support options appropriate to their requirements. The Department of Disability, Housing and Community Services has had input to the Residential Tenancies Act Review (2002) to this effect.</p> <p>The ACT Disability Services Act 1991 (Schedule 2 Clause 8) states:</p> <p>‘Programs and services should be designed and administered so as to ensure that no single organisation providing services exercises control over all or most aspects of the life of a person with disabilities.’</p> <p>In line with best practice principles and the National Disability Service Standards, future Government funding arrangements will encourage agencies to ensure that their service menu does not contravene the National Standards or the Disability Services Act 1991 by offering ‘whole of life’ services that reduce</p>	<b>Update:</b> This recommendation will be considered by the Housing and Tenancy Working Group during 2003/04, and a policy direction agreed between Individual Support Services and Housing.

		the independence and authority that people with disabilities have over their lifestyle.	
16	In order to further protect the tenancy rights of disabled people, the Residential Tenancies Act 1997 should be amended to ensure that residents in group homes have adequate security of tenure by being granted appropriate tenancy status under the Act.	<b>Noted.</b> <i>The Residential Tenancies Act 1997</i> is presently being reviewed by Justice and Community Services and the rights of residents in shared housing situations will be considered under the review. The Government Disability Housing Working Group has recommended to the review that the Act be amended to allow for establishment of shared tenancy arrangements. In particular, amendments to the <i>Residential Tenancies Act 1997</i> should provide opportunities for greater flexibility in shared household arrangements and provide adequate protection and clarify responsibilities for tenants in shared living arrangements.	<b>Update:</b> The Disability Reform Housing & Tenancy Working Group are contributing to the review of the Residential Tenancies Act (1997) to ensure coverage of tenancy matters affecting people with a disability.
17	The ACT Government should establish a register of properties which have been suitably constructed or modified to meet the needs of people with disabilities.	<b>Agreed.</b> ACT Housing has commenced a stock audit of all its properties including information on the suitability of properties for people with a disability. Through the Department of Disability, Housing and Community Services, a register of suitably modified housing will be established and maintained for government owned public housing rental properties that are managed by ACT Housing and a range of community-based housing providers on behalf of the ACT Government.	<b>Update:</b> Work on this recommendation is in progress. It is expected to be completed over the next 12 months following a condition assessment and some further work on general standards for modifications that should assist in the development of a rating system.

18	The ACT Government should develop and implement a strategy to attract and retain care workers to the disability sector.	<p><b>Agreed.</b> The Government agrees that a workforce strategy is a crucial part of reform in the disability sector. The development of a strategy to address workforce issues will be tasked to the Workforce Working Group, with membership to include government, non-government and union representation. The Government will establish the Working Group in October 2002. The development of a strategy will involve consultation with relevant stakeholders and include consideration of the following:</p> <ul style="list-style-type: none"> <li>▪ high labour turn over, recruitment, selection and retention;</li> <li>▪ gaps in skills levels (current and future);</li> <li>▪ human resources strategies (including training) and supporting resources;</li> <li>▪ systemic issues; and</li> <li>▪ workforce planning.</li> </ul>	<p><b>Update:</b> An audit of the ACT community services, housing and disability sector workforce is to be carried out across government and non-government service providers. The audit will record information such as the number of workers, service roles, status (casual/permanent/voluntary), hours worked, gender and qualifications/training.</p> <p>This information will be used to inform workforce reforms.</p>
19	Having regard to the evidence from the Epilepsy Association and Dr Andrews, it is recommended that all disability support officers be educated in the management of epilepsy with regular training and retraining.	<p><b>Noted.</b> As part of person-centred service provision, Disability ACT supports the training of staff in the sector to meet the support needs of individuals. Training will be targeted at the development of core competencies, supplemented with training targeted at the identification of and support for individuals' health issues, which will include epilepsy management where applicable. The Disability Program continues to provide epilepsy training as a core component of the induction program for all new staff.</p>	<p><b>Update:</b> Disability ACT continues to provide training in the management of epilepsy as a core component of the induction program for all new staff.</p> <p>The Workforce Working Group will review the provision of training in the non-government sector, to respond to the needs of people with epilepsy.</p> <p>Outcomes from this work will be included in Disability ACT's planning processes and implemented through the operational plan.</p>

20	<p>Consideration should be given to combining the professional services presently provided by ACTCC such as social workers, therapists and physiotherapists with the similar services provided by the Department of Education and Community Services so that one administration provides these support services for all people with disabilities irrespective of age.</p>	<p><b>Agreed.</b> With the creation of the new Department, the therapy services component of the Child Health and Development Service (CHADS) has moved to the Department of Disability, Housing and Community Services. In keeping with eligibility criteria under the Disability Services Act 1991 (ACT) and the Commonwealth State and Territories Disability Agreement (CSTDA), this co-location of CHADS and Disability ACT under a single administration provides opportunities to improve integration of disability services for people with a disability across life stages, to the benefit of all service users.</p>	<p><b>Update:</b> On 1 July 2003, a new therapy and support service, called Therapy ACT (TACT), commenced operation. TACT combines the Multi-Disciplinary Team from the Disability Program (now known as Individual Support Services) with the Child Health and Development Service (CHADS) to create a single service organisation for both children and adults.</p> <p>TACT is a separate Group within the Department of Disability, Housing and Community Services, and although there will be a close working relationship, is not part of Disability ACT.</p>
22	<p>Appropriate transition programs should be developed for people with disabilities moving from school age to adolescence to adulthood to their older age years.</p>	<p><b>Agreed.</b> Appropriate transition programs that are planned in advance, offer opportunities in the mainstream community and are age appropriate are being established through current Disability ACT initiatives.</p>	<p><b>Update:</b> 41 young people with a disability currently access the Post School Options program. These individuals receive an average of \$15,000 each per year.</p> <p>The Department is currently in discussion with families and providers about the strengths and weaknesses of the current approach to post school supports. Adjustments will be made to the Program according to the feedback received.</p> <p>The Mature Carers Program continues to provide support services to carers aged over 65 years to enable the person with a disability to remain in the home, and plan for a successful transition out of the home when the carer is</p>

			<p>unable to continue in this role.</p> <p>People experiencing transitional stages in their lives (youth and young adults, older people with disabilities, mature carers) are a priority for Disability ACT over the next 3 years (2003-2006).</p>
23	<p>Skill and development support programs ought to be developed for those people with intellectual and learning disabilities beyond the age of 20 years.</p>	<p><b>Agreed.</b> The Post School Options Program, as described in Response to Recommendation 22, currently operates to enhance opportunities, skills and development. This area of service will be incorporated in a Memorandum of Understanding between Disability ACT and the Department of Education, Youth and Family Services.</p>	<p><b>Update:</b> Disability ACT is working with families and recipients of Post-School Options support to enhance the range of vocational and life skills programs being offered.</p> <p>Disability ACT continues to work successfully in partnership with the Department of Education, Youth and Family Services on the development of the Post School Options program. As part of the planning process with people with disabilities, Disability ACT will examine the preparation of a formal Memorandum of Understanding.</p>
24	<p>Care workers, appropriately authorised, should have the right of access to medical information for the protection and care of their clients. This may require amendments to the Privacy Act 1989 and the Health Records (Privacy and Access) Act 1997 or the development of a practice guideline that aids carers and care workers.</p>	<p><b>Noted.</b> The Disability Program is currently reviewing its policies in this area. The recommendation will be further investigated through quality improvement mechanisms.</p>	<p><b>Update:</b> This recommendation will be considered by Disability ACT and the Legislative Reform Working Group, following completion of amendments to the Disability Services Act.</p>

<i>Recommendation</i>	<i>Government Response (September 2002)</i>	<i>Progress: September 2003</i>	
<i>Recommendations in response to term of reference (b)</i>			
25	<p>The ACT government should develop or adopt a set of practice guidelines to explain the national disability standards in an ACT context, including examples of both good and poor practice so that organisations have consistent, clear and precise benchmarks by which to measure their performance. The literature search undertaken by the Inquiry Secretariat located the Guidelines prepared in NSW to assist service delivery organisations. There is merit in approaching NSW to seek permission to adopt the guidelines developed in that state.</p>	<p><b>Agreed.</b> The National Disability Service Standards are ambiguous and difficult to measure. The Government has commenced work on establishing a project to develop ACT Disability Standards, which will incorporate and expand on the National Standards. The project will aim, through stakeholder consultation and expert advice, to develop ACT specific standards with measurable indicators. The project will be completed by June 2003. The Government and the Disability Reform Group are in agreement that the standards and indicators will become an integral component of Disability ACT's quality monitoring and management framework.</p>	<p><b>Update:</b> Disability ACT and the Disability Reform Quality and Standards Working Group are in the process of hiring an external consultant to assist with the development of the ACT Quality Standards and Guidelines, and a self-assessment process for service providers. It is anticipated that this stage of the project will take approximately 18 months to complete, including pilot testing of the self-assessment process. This work will be undertaken closely with the disability community.</p>
26	<p>The criteria for external auditing by the proposed ACT Disability Services Commission should be revised to concentrate on the quality of services provided and compliance with legislation and standards rather than solely on administrative and financial performance of the service providers.</p>	<p><b>Agreed.</b> The new statutory position (the Disability Services Commissioner) will have responsibility for the independent monitoring of compliance with standards and legislation, with particular focus on the health and safety of people with a disability.</p> <p>Disability Standards would be determined by Government, and promulgated through regulation or some similar instrument.</p>	<p><b>Update:</b> Disability ACT and the Disability Reform Legislation Working Group continue to give the highest priority to advising the Government on the functions and powers of the Disability Commissioner, including powers to monitor compliance with standards and legislation.</p> <p>The issue of external assessment/auditing of</p>

		<p>Responsibility for quality would be shared between Disability ACT and the Disability Services Commissioner.</p>	<p>service providers, including the ACT Government, is also currently under discussion by the Quality and Standards Working Group.</p>
<p><b>27</b></p>	<p>To ensure consistency, the Disability Program should be subject to the same form and the revised criteria of auditing as that applied to NGOs.</p>	<p><b>Agreed.</b> The Government considers that issues of quality must be addressed both in government and non-government disability services. Measures will be taken to modernise and increase skills in existing services across the board resulting in a consumer focused, rigorous quality monitoring and an accountable service system. Contract managers will incorporate reviews of quality improvement plans into service agreement management procedures.</p> <p>Disability ACT and the Disability Services Commissioner will work to ensure that the same service agreement criteria, minimum quality standards and accountability requirements are applied across the government and non-government disability sectors. Reporting and monitoring of all funding arrangements will be examined in the light of any changes to funding/service agreement arrangements resulting from the Government decision to withdraw from the purchaser/provider model.</p>	<p><b>Update:</b> The Government supports this recommendation, and will be conducting a detailed investigation into appropriate audit mechanisms as part of the establishment of the Disability Commissioner’s office.</p>

<p>28</p>	<p>Because the current contractual requirements for determining the outputs/outcomes purchased do not accurately reflect the nature of the services provided and are expressed in terms merely directing attention back to the vague wording of the national standards, the proposed Commission should review them. Such review should include input by disabled people, families and service providers in designing revised outputs and outcomes based on a requirement for quality in service provision.</p>	<p><b>Agreed.</b> The Government will ensure that future service agreements incorporate agreed quality improvement milestones linked to the standards, and progressively focus more on quality indicators aimed at improving outcomes for individual service users. Once the quality indicators are conditions of service agreements, Disability ACT will require service providers to provide detailed annual reports on achievement of milestones.</p> <p>The Government notes the Disability Reform Group recommendation that:</p> <ul style="list-style-type: none"> <li>▪ the definition of quality should be concerned primarily with whether outcomes for individuals are achieved and sustained;</li> <li>▪ a set of service performance descriptors relating to personal outcomes for service users should be adopted that reflects the Disability Reform Group's Vision and Values Statement and becomes a reference point for assessing quality service as it pertains to individuals; and</li> <li>▪ such descriptors should reflect graded levels of achievement by services, from non-achievement through to achievement of minimum and optimal levels.</li> </ul>	<p><b>Update:</b> In June 2003, the Sector Development Team conducted a review of all service purchasing contracts held by Disability ACT. The Team visited all ACT providers, to gather feedback on the effectiveness and suitability of the purchasing contracts. The information gathered will be used to inform the development of revised purchasing processes during 2003/04, including the introduction of standardised human service purchasing contracts across the ACT Government.</p> <p>A new funding framework will be developed that will:</p> <ul style="list-style-type: none"> <li>▪ identify the services types the customers wish to purchase;</li> <li>▪ specify the scope, eligibility and priority access guidelines for each of the service types;</li> <li>▪ specify a costing template for each service type; and</li> <li>▪ include monitoring of the quality of service provision.</li> </ul> <p>This work will be undertaken with the input and examination by the Access, Eligibility and Funding Working Group.</p> <p>The framework will help to ensure that government resources are directed towards services for people in the key priority groups and those with the highest levels of need.</p>
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<i>Recommendation</i>	<i>Government Response (September 2002)</i>	<i>Progress: September 2003</i>
<i>Recommendations in response to term of reference (c)</i>		
<b>29</b>	The Department should ensure consistency of requirements between government and non-government service providers' contracts in relation to the process for raising and resolving complaints by service users.	<b>Agreed.</b> The Government will achieve consistency of complaints procedures through the implementation of an agreed quality framework across the sector. Complaints procedures are a requirement under the National Disability Standards, and the Government will give priority to ensuring that indicators for effective complaints and appeals mechanisms are included in the project to develop the ACT Disability Standards.
<b>Update:</b> Disability ACT and the Disability Reform Quality and Standards Working Group will include standards for service provider complaints processes in the development of a quality framework for the ACT by June 2004. Outcomes from this work will be included in Disability ACT's planning processes and implemented through the operational plan.		
<b>30</b>	Consistent complaint resolution procedures should be an obligatory part of all contracts	<b>Agreed.</b> Government and non-government service providers will be required in their service agreements to demonstrate levels of achievement against the Standards through the active implementation of quality improvement plans, as agreed with their contract manager. Emphasis will be given to including improvements in their complaints resolution procedures where necessary.
<b>Update:</b> Disability ACT and the Disability Reform Quality and Standards Working Group will investigate consistency of complaints resolution processes in the development of a quality framework for the ACT. Outcomes from this work will be included in Disability ACT's planning processes and implemented through the operational plan.		

<p><b>31</b></p>	<p>The Department should ensure that the complaint resolution procedures of all service providers are reviewed independently at least every 12 months to maintain consistency, improve outcomes and update procedures for complaint resolution.</p>	<p><b>Agreed with qualification.</b> The Government is of the opinion that annual reviews of complaints mechanisms will heavily burden the service sector, in particular non-government and not-for-profit organisations. The Government will conduct reviews on a 3-yearly basis as part of the independent standards monitoring processes. Service providers will be required to record information on the nature of each complaint, resolution time and outcome.</p> <p>The Disability Reform Group agrees with Recommendation 31, provided that services submit complaints statistics on a regular basis which identify the nature of complaints made, actions taken and outcomes reached. The Disability Reform Group has also recommended that an independent statutory body should have responsibility for monitoring the effectiveness of service provider's complaints processes and for complaints assessment, investigation, resolution and conciliation (see response to Recommendation 1 above).</p> <p>The outcomes from the review of community advocacy and watchdog agencies will further inform the Government's position on this issue.</p>	<p><b>Update:</b> Disability ACT and the Disability Reform Quality and Standards Working Group will investigate review schedules for monitoring complaints procedures in the development of a quality framework for the ACT.</p> <p>Outcomes from this work will be included in Disability ACT's planning processes and implemented through the operational plan.</p>
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33	<p>The Community and Health Services Complaints Act 1993 should be amended to mirror provisions of the NSW Community Services (Complaints, Reviews and Monitoring) Act 1993 so as to make provision:</p>	<p><b>Noted:</b> The Government will consider this recommendation in the light of the outcomes of the review into the possible rationalisation of existing community advocacy and watchdog agencies including the Health Complaints Commissioner, the Community Advocate and the Health Rights Advisory Council. The review will be undertaken in consultation with the relevant statutory office holders and community groups in both the health and disability service areas.</p> <p>The Government notes that the Disability Reform Group has recommended that a independent statutory body should have responsibility for complaints assessment, investigation, resolution and conciliation (see response to Recommendation 1).</p> <p>As stated, the Government has undertaken to review community advocacy and watchdog bodies, and will not make any alteration to the responsibility to receive and investigate complaints (which lies with the Community and Health Complaints Commissioner) at this stage.</p>	<p><b>Update:</b> A Review of Statutory Oversight and Community Advocacy Agencies commenced in May 2003 and will be completed in September 2003. The Review is being conducted by the Foundation for Effective Markets and Governance (FEMAG). The Foundation is a non-profit company affiliated with the Australian National University.</p> <p>The intention of the review is to look at the system of statutory oversight and community advocacy operating in the ACT as a whole, rather than detailed aspects of individual agencies, with a view to determining if the existing model is achieving the desired outcomes for the ACT community.</p>
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	<p>(iii) To allow the Commissioner to monitor the implementation and performance of his recommendations with the service providers, including the imposition of time frames;</p>	<ul style="list-style-type: none"> <li>▪ once the assessment is made a timetable should be determined and provided to the complainant based on the circumstances of the case; and</li> <li>▪ there should be the possibility for deviating from the timetable in specified circumstances and a 12 month time limit place on the finalisation of all complaints.</li> </ul> <p>The outcomes from the review of community advocacy and watchdog agencies will further inform the Government's position on these issues.</p> <p><b>Noted:</b> These issues will be considered as part of the Government's review of community advocacy and watchdog bodies referred to above.</p> <p>The Government notes that the Disability Reform Group has recommended that powers to monitor services providers be given to an independent statutory body (see response to Recommendation 1).</p> <p>The Government agrees that powers to undertake this function should be statutory, but is of the opinion the ACT is of insufficient size to warrant the establishment of a new statutory body.</p>	<p><b>Update:</b> The Government will consider this recommendation as part of Review of Statutory Oversight and Community Advocacy Agencies.</p>
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	<p>(iv) That failure to implement the Commissioner's recommendations be able to be reviewed on the merits by the ACT Administrative Appeals Tribunal whose decisions should replace those of the original decision-maker. The Tribunal should be given power to enforce those decisions (see Part 5, Sections 40-44 of the NSW Act);</p>	<p><b>Noted:</b> These issues will be considered as part of the Government's review of community advocacy and watchdog bodies referred to above.</p> <p>The Government notes that the Disability Reform Group recommends that:</p> <ul style="list-style-type: none"> <li>▪ a mechanism for reviewing recommendations made by the disability service improvement agency be established in the legislation establishing the new statutory agency; and</li> <li>▪ external review of decisions could be provided by the ACT Ombudsman or the Administrative Appeals Tribunal, incorporating a 'show cause' provision where the AAT or Ombudsman can be given power, after hearing argument or receiving submissions, to effectively convert a recommendation into a binding order.</li> </ul> <p>The outcomes from the review of community advocacy and watchdog agencies will further inform the Government's position on this issue.</p>	<p><b>Update:</b> The Government will consider this recommendation as part of the Review of Statutory Oversight and Community Advocacy Agencies.</p>
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	<p>(v) That there be a mechanism to allow independent review of the Commissioner's process at the instigation of complainants or service providers.</p>	<p><b>Noted.</b> The Government will consider mechanisms for allowing independent review of the Commissioner's processes in its review of existing community advocacy and watchdog agencies referred to above.</p> <p>The Government notes that the Disability Reform Group recommends that a mechanism for independent review of the disability service improvement agency's processes be available to complainants or service providers. The Reform Group also recommends that a periodic review of the agency should be carried out at 5 year intervals, and could be the task of a Law Reform Commission, Auditor General or a Board of Inquiry established for the purpose by the government of the day.</p> <p>The outcomes from the review of community advocacy and watchdog agencies will further inform the Government's position on these issues.</p>	<p><b>Update:</b> The Government will consider this recommendation as part of the Review of Statutory Oversight and Community Advocacy Agencies.</p>
34	<p>The ACT Government introduce a stronger and more expansive framework of regulation and inspection than that proposed in the Disability Services Improvement Scheme. The submissions of the Health Complaints Commissioner should be taken into account when drafting the powers and functions of such a scheme. The Scheme should become the responsibility of the Commissioner. In particular he should oversee the proposed Community Visitor</p>	<p><b>Agreed with qualification.</b> There are two processes currently underway that will strengthen the ACT's framework of regulation and inspection. These are (a) the development of a comprehensive quality improvement framework, including quality indicators against which performance can be measured, and (b) the establishment of relevant statutory powers for independent monitoring and review.</p>	<p><b>Update:</b> Disability ACT and the Disability Reform Quality and Standards working group will be developing a framework under which regulation and inspection will be carried out.</p> <p>Disability ACT and the Legislative Reform Working Group are giving the highest priority to defining the statutory functions and powers of the Disability Commissioner, including powers to review and monitor services for people with disabilities.</p>

	Scheme.	<p>The Disability Reform Group has recommended that an independent statutory body should have responsibility for carrying out the functions in this Recommendation (see response to Recommendation 1).</p> <p>The Government agrees that powers to undertake these functions should be statutory, but is of the opinion that the ACT is of insufficient size to warrant the establishment a new statutory body (see response to Recommendation 1).</p>	
35	Relevant legislation be amended to allow sharing of information between complaints bodies.	<b>Agreed</b> subject to the <i>Privacy Act 2001 (CW)</i> and the <i>Health Records (Privacy and Access) Act 1997 (ACT)</i> .	<p><b>Update:</b> Disability ACT and the Legislative Reform Working Group will be considering amendments to legislation necessary for the effective implementation of the quality framework in the ACT.</p> <p>Outcomes from this work will be included in Disability ACT's planning processes and implemented through the operational plan.</p>
37	Relevant legislation be amended to ensure that the Community Advocate is fully and formally accountable to the Legislative Assembly, perhaps through the relevant Standing Committee. Complaints relating to services provided by the Community Advocate should be the responsibility of the ACT Ombudsman, if necessary by amendment of the Ombudsman Act.	<p><b>Noted.</b> The Community Advocate is presently in discussion with the ACT Ombudsman to establish a protocol by which the ACT Ombudsman can investigate complaints relating to the Community Advocate.</p> <p>The Disability Reform Group is of the opinion that these concerns are adequately addressed by current arrangements.</p>	<p><b>Update:</b> On 13 June 2003 the Community Advocate met with the new staff in the ACT Ombudsman's office, Mr Ron Brent, Mr John Taylor and Ms Deborah Tyler. It was established that there was general agreement about the role of the Ombudsman in responding to complaints about the Office of the Community Advocate (OCA). An agreed understanding has been established with respect to the requirement for certain referrals to be made by the Ombudsman to the Community Services and Health Complaints Commissioner, and the significance of the</p>

			distinction between merits based issues and administrative issues. The Ombudsman has agreed that he does not have a role with respect to merits based issues. Thus, the position historically taken by the OCA regarding complaints made about the OCA to the Ombudsman, and subsequently of concern to the Gallop Inquiry resulting in this recommendation, has been upheld and endorsed by the Ombudsman. The Ombudsman formalised the agreed process in a letter dated 13 June 2003.
38	The legislation governing the Community Advocate should be amended to separate the Community Advocate's guardianship role from the broader advocacy role. As is the situation in Queensland and some other states, this may best be achieved by the creation of a separate statutory position of Public Guardian.	<p><b>Noted.</b> This recommendation must be considered having regard to the subsequent review of ACT Health conducted by Mr Michael Reid. The report following the Reid Review was tabled in the Legislative Assembly on 18 June 2002. On page 40 of the review Mr Reid notes:</p> <p>“Finally it became apparent during the review that there are a plethora of both community advocacy groups and ‘watchdog’ agencies with responsibilities for some aspects of the public/private/NGO health sector”.</p> <p>After setting out the relevant agencies Mr Reid notes:</p>	<b>Update:</b> This recommendation is still being considered by Government.

		<p>“For a population of 300,000 this (the number of agencies) is excessive”.</p> <p>The Chief Minister has publicly stated that the government fully supports the adoption of the basic principles set out in Mr Reid’s report. The Reid review recommends that some rationalisation of the community advocacy and watchdog agencies is warranted (Rec. 26). In response to that recommendation the Government noted that a review will be undertaken in consultation with the relevant statutory office holders and community groups in both the health and disability services area.</p> <p>These matters will be considered in the Government review of community advocacy and watchdog bodies. As previously noted, the Government is of the opinion that the ACT is of insufficient size to warrant the establishment of a new statutory body.</p>	
39	<p>Consideration should also be given in the amended legislation to addressing specifically the question of conflict of interest in future appointments as Community Advocate. Guidance on this issue may be found in Section 150 of Powers of Attorney Act 1998 (QLD) the terms of which have been set out in the section of the Final Report dealing with the OCA.</p>	<p><b>Noted.</b> Section 150 of the <i>Powers of Attorney Act 1998 (QLD)</i> was repealed in 2000 and replaced by a similar provision in the <i>Guardianship and Administration Act 2000 (QLD)</i>(section 199). Queensland is the only Australian jurisdiction which has legislated with respect to potential conflicts of interest.</p> <p>This recommendation appears to be based on findings by the Board of Inquiry that have been successfully challenged by the Community Advocate. Those findings are</p>	<p><b>Update:</b> This recommendation is still being considered by Government.</p>

		<p>that the Community Advocate erred in principle in interpreting her statutory powers (finding 47) and that the Community Advocate was unable to accept that her position as Chair of the Placement Committee put her in a position of perceived or possible conflict of interest (finding 49). In the decision of <i>McGregor &amp; Pearce v The Hon John Gallop &amp; the Attorney-General of the ACT</i>, the Supreme Court held that the Community Advocate had correctly interpreted her statutory powers. The Supreme Court also held that Ms McGregor was clearly denied procedural fairness in relation to any findings concerning the Placement Committee.</p> <p>This recommendation must also be considered having regard to the subsequent review of ACT Health conducted by Mr Michael Reid. The Chief Minister has publicly stated that the government fully supports the adoption of the basic principles set out in Mr Reid's report. The Reid review recommends that some rationalisation of the community advocacy and watchdog agencies is warranted (Rec. 26). In response to that recommendation the Government noted that a review will be undertaken in consultation with the relevant statutory office holders and community groups in both the health and disability services area.</p>	
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41	Having regard to the concerns raised by ACTCOSS and the evidence given by the Discrimination Commissioner, it is recommended that subsection 27(2) of the Discrimination Act 1991 be amended by deleting the words "in a way that is irrelevant to the achievement of that purpose".	This issue is currently under consideration by Government.	<b>Update:</b> This issue is still under consideration by Government, pending a decision on the introduction of a Human Rights Act in the ACT.
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<i>Recommendation</i>	<i>Government Response</i>	<i>Progress: September 2003</i>	
<i>Recommendations in response to term of reference (c)</i>			
<p><b>42</b></p>	<p>All funding of services/care for people with disabilities should be on an individual basis, and able to be transferred at the option of the individual to different care providers from time to time.</p>	<p><b>Noted.</b> Disability ACT is giving a high priority to collaboratively developing access and eligibility policies. Funding methodologies (including methods that incorporate a mix of individual and block funding approaches) will be established by Government to complement the eligibility and access policies. This suite of policies will provide greater flexibility, portability and individualised arrangements than currently offered.</p> <p>The Government will further investigate this issue through a policy review and reform process in consultation with the disability advisory structure and disability stakeholders.</p> <p>The Disability Reform Group endorses a mix of funding options, adding that on an ongoing basis, the proposed community advisory body would have responsibility for making recommendations to the government on appropriate funding policies. The Group also supports Disability ACT giving priority to researching and investigating this area.</p>	<p><b>Update:</b> This recommendation will be addressed by Disability ACT and the Access, Eligibility and Funding Working Group.</p> <p>Disability ACT is undertaking the development of a funding framework that will encourage transparency and flexibility amongst service providers, families and users of services.</p>

<p><b>43</b></p>	<p>ISPs should be regularly reviewed in light of the individual's changing needs.</p> <p>That the entitlement should be based on the hours of support required rather than a set dollar amount also seems reasonable.</p>	<p><b>Agreed.</b> See the Government's response to Recommendation 42.</p> <p>The Disability Reform Group agrees with this part of Recommendation 43, adding that on an ongoing basis, the proposed community advisory body should have responsibility for making recommendations to the government on appropriate funding policies.</p> <p><b>Noted.</b> The Government will further investigate this issue through an eligibility and assessment policy review and reform process that will aim to increase equity and access in the disability service system as a whole. The Government is of the opinion that a person-centred approach to support for people with disabilities should begin with an opportunity for the person to explore a range of personal aspirations and lifestyle choices, and that funding of these choices should be negotiated to ensure both the best use of resources and best individual outcomes.</p>	<p><b>Update:</b> An evaluation of the Individual Support Package (ISP) program has been completed, and a plan for implementation of the recommendations is being developed.</p> <p>The intention of the ISP program in the ACT is to provide a mechanism to support individuals with a disability, their families and guardians to engage support that is flexible, individualised and person-centred. The evaluation was undertaken to investigate whether the ISPs currently in use are achieving this goal.</p> <p>Disability ACT is working directly with a small group of ISP holders to pilot a different model for individualized support.</p>
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44	<p>In the meantime, the NGO's are under-funded and should receive a greater proportion of budget allocation. They should be funded for the full cost of each place, as is the Disability Program. Government should also encourage all service providers to obtain funding from external sources wherever possible to assist in meeting their administration costs.</p>	<p><b>Noted.</b> The Government acknowledges this disparity. Non-government organisations do have other sources of funding, even though the amount of funding varies between agencies and is often limited. The Government has identified in their electoral commitments that there will be a review of the division and the allocation of funding between the government and non-government sectors.</p> <p>Over the next 5 years, The Government will seek, through service system re-design and renewal, to establish a more integrated and streamlined system that is highly accessible for service users. This will inevitably result in some changes to the current system and its provider organisations. For example, reviews of the service menu of the Disability Program may have implications for resource re-allocation. Changes in the system will occur through planned, carefully targeted and evidence-based decisions. Any changes will occur in close consultation with stakeholders.</p>	<p><b>Update:</b> This recommendation is being addressed through the development of a new funding framework (see Recommendation 28).</p>
46	<p>The ACT Government undertakes a review of the service and funding inadequacies for people within the ACT community who have a disability other than an intellectual one. The Board is particularly mindful of the submission from the ACT Deafness Resource Centre, Shaw Possibilities and Disability Program's acknowledgment of the grey</p>	<p><b>Agreed.</b> Disability ACT has commenced a policy review process that includes review of eligibility, access and funding processes. As previously stated, Disability ACT is also working towards establishing Memoranda of Understanding with other agencies who provide services for people with disabilities to ensure service coordination and optimum and strategic resource use.</p>	<p><b>Update:</b> Disability ACT and the Access, Eligibility and Funding Working Group will address this recommendation. Consideration will be given to the eligibility requirements defined in the Disability Services Act (1991) and the Commonwealth, State and Territories Disability Agreement.</p> <p>Outcomes from this work will be included in</p>

	area that exists for those clients with crisis mental health problems.	<p>Disability ACT and ACT Mental Health established a dual disability service for people with a disability and a mental health condition in the Department of Health in 2001.</p> <p>The Government is of the opinion that all funding proposals must be considered as part of the whole system of government funding. To achieve equity and planned growth, funding decisions must be based on careful research and planning in order to achieve balanced budget allocations.</p>	Disability ACT's planning processes and implemented through the operational plan.
47	The ACT Government, jointly with the Federal Government, consider a joint approach to examine individual options for moving people with disabilities currently inappropriately housed in nursing homes into alternative care consistent with their needs and wishes.	<p><b>Agreed.</b> The ACT has committed additional funds in the 2002-03 budget to prevent inappropriate admissions for younger people with disabilities into nursing/aged care facilities. This has been raised as a national issue and is being discussed in that forum. Disability ACT currently communicates with the relevant Commonwealth Departments surrounding this issue. Figures state that ACT is the best performing jurisdiction on a national average for the proportion of younger people in nursing homes compared to the total population.</p>	<p><b>Update:</b> The Bilateral Agreement between the Commonwealth and the ACT (which forms part of the Commonwealth, State and Territory Disability Agreement or CSTDA) recognises as a priority the need to address inappropriate placement of younger people with disabilities on aged care homes. The two jurisdictions have agreed to work together to develop:</p> <ul style="list-style-type: none"> <li>▪ improved assessment processes;</li> <li>▪ more flexible funding approaches;</li> <li>▪ alternative support models for young people in aged care homes; and</li> <li>▪ capacity to transfer younger people to more appropriate accommodation.</li> </ul>

49	<p>The Government establish an Innovation Fund to support service improvement projects, new and innovative pilot projects and trials aimed at delivering better and alternative services to people with disabilities.</p>	<p><b>Agreed.</b> Disability ACT has established an innovation fund that aims to:</p> <ul style="list-style-type: none"> <li>▪ encourage new opportunities and approaches to supporting people with disabilities that result in flexible, person-centred improvements in the long term; and</li> <li>▪ enable people to try out new ideas that expand and improve current approaches and options.</li> </ul> <p>The fund will be targeted towards small projects that will enable people involved to try out new ideas in manageable steps. Small projects have the advantage of being more responsive to people who are directly involved, and corrections and modifications are more easily made.</p>	<p><b>Update:</b> Disability ACT met with all innovation grant applicants to discuss their projects. 6 applicants were successful and some have commenced the development of their projects.</p> <p>Disability ACT will work with a further 22 applicants to develop their projects, with the view that additional funding resources will be available for future innovation projects.</p> <p>All unsuccessful applicants have been notified.</p>
50	<p>The circumstances giving rise to this Inquiry, namely, the deaths of the three persons in the care of the Disability Program within twelve months, demand the commitment by Government to implement the necessary process of fundamental change to the ACT disability sector. In order to demonstrate to the community that the government has accepted the responsibility to make these changes, the Government might consider it appropriate to report annually to the Legislative Assembly over a five-year period on progress in implementing the recommendations of this Inquiry.</p>	<p><b>Noted.</b> Disability ACT will report six-monthly, and the community advisory body annually, to the Legislative Assembly. Disability ACT and the community advisory body will also report publicly through annual reports.</p>	<p><b>Update:</b> This progress report fulfils the commitment to report on a six-monthly basis to the Assembly.</p>