



24 April 2007

Glenn Foard  
Acting Director  
Community and Individual Support Branch  
Department of Human Services  
GPO Box 4057  
Melbourne 3001

Dear Mr. Foard

**RE: Draft Disability Services Access Policy**

MacKillop Family Services, established in 1997, is a Catholic Welfare agency which builds on the ethos and spirituality of the Christian Brothers, the Sisters of Mercy and the Sisters of St Joseph. Key areas of support include family preservation, specialist education, residential services, disability services, youth services and foster care. This work is coordinated through over 80 services and the dedicated efforts of 400 staff and a further 300 volunteers

**General Issues:**

MacKillop Family Services, like many other organisations in the disability support sector, is concerned about the potential implications of the implementation of the Disability Act 2006 on the provision of services to children with a disability and their families. One of the dangers we see in the staged development and release of the policies to support implementation of the Act, is that the overall impact on service delivery agencies may not be recognised.

The Act heralds some welcome changes however there has been no assessment of the financial and structural implications for those required to deliver services. The Access Policy is particularly concerning as it raises the expectations of people with a disability that there will be a more streamlined way for people to access the supports they require. In theory and in an ideal world where there was sufficient provision to meet the needs in the community, this would be the case. This point is acknowledged on page 4 of the draft but is not reflected in later aspects of the policy.

The strategy implies that the primary difficulty in accessing services is the inability to make direct contact with service providers. The result of raised expectations of access to services without any significant injection of funds is that agencies will need to expend valuable time documenting the reasons why they cannot respond to the demand for services which has the potential to eat in to time that could be spent in service delivery.

At MacKillop Family Services we have been struggling to develop a response to meet the needs of those on our waiting lists already. In Barwon region we have had families on our urgent waiting list for over two years. In the North-Western region our responsibilities include the major growth corridors in Melton and Wyndham LGA's which results in very little flexibility in priority setting.

We are concerned that this policy has the potential to encourage an increased number of people seeking support services to make direct contact with agencies necessitating the development of an increased focus on intake related activities, and the potential for duplicated waiting lists across agencies. From the point of view of people and families of children with a disability we believe that contrary to the intention, this policy has the potential to increase the level of frustration and sense of lack of responsiveness in the service system.

From an agency point of view it is likely to necessitate increased investment in a gate keeper and referral role for agencies which are already stretched in their attempts to respond to the needs of those in the community.

We also continue to be concerned that the needs of children and of families with a child with a disability are not being responded to in a specific way in the implementation process. In our experience a responsive disability service system will recognise that a specific response to the developmental needs of the child, cross-jurisdictional issues, and the needs of the family as a unit is required.

### ***Specific Comments***

The comments below are numbered to reflect the sections in the policy to which they refer.

### **Key Policy Principles**

MacKillop Family Services strongly supports the Principles of service delivery articulated in the policy. Our questions and concerns arise from the capacity to deliver on the strategy outlined, and in particular the commitment to access that is consistent, fair, responsive and efficient.

### **Key Policy Element 1. Who can Access Disability Services**

One of the major problems with the Disability Act is its failure to articulate exactly what type of support commitment people with disability and their families can reasonably expect. This section of the policy reinforces the gate keeping approach which is the inevitable result. It is disappointing in the extreme to people with disabilities and their families that the primary aspect of this policy appears to be a justification for not providing services.

The definition of disability articulated in the policy may be problematic when applied to children and to acquired disabilities as it requires an assessment that the condition is or is likely to be permanent and that it requires significant ongoing or long-term episodic support. In working with children, particularly within an early intervention framework, it may not be clear what the longer term prognosis may be. In some cases

effective early intervention may be essential to support the family unit, and/or prevent the development of a longer-term reliance on disability supports. The definition and the implementation of assessment needs to allow some flexibility to respond in these circumstances.

## **Key Policy Element 2. Pathway for access to disability services**

MacKillop Family Services is concerned that the intake function seems to be being delegated through to services with no acknowledgment of the resource burden or the impact on people with disability and their families. When a similar strategy was employed in the primary health sector through the Better Access To Services Strategy there was extensive consultation to identify blocks to service delivery and develop a local approach, support to the change management process through the Primary Care Partnership, the development of protocols across service types, development of a shared assessment tool and a range of other strategies. The Disability Services Access Policy does not lay out a framework at all and it is unlikely that the outcome will result in improved access for people seeking support but instead add to the level of confusion

2.1.1 The policy outlines a set of questions an agency may use to determine eligibility for access to disability support services. This suggests a very broad ranging set of questions and it is unclear whether all agencies will be required to ask these questions regardless of which programs they offer and then what they should do with this information once it has been gathered. This is potentially intrusive with no clear benefit to the person seeking services and seems to be inconsistent with good practice and with Privacy principles.

The requirement to write to a person to say that the agency does not believe they have a disability, or that the agency cannot assist and referring them to appropriate services in the community makes it necessary for a far more comprehensive understanding of the service system than may be reasonable considered to be held by agencies. It also carries the risk of people receiving poor advice on their service options and being sent on wild goose chases. This already happens now with Disability Intake and Response referring people with urgent needs to services with huge waiting lists.

The necessity for the decision and the supporting reasons to be put in writing is an onerous burden on services and one which will necessitate even further drain on resources as agencies may require legal advice on the development of these responses.

The necessity to gather further information about the person's needs or to assist them to have an assessment again is suggestive of a an information and referral function or short-term case management which is not a funded function and seems to pose once again a quite unnecessary and ill-conceived burden on agencies. Agencies do not have at their fingertips the information about the full range of generic and specific services that would be able to meet the needs of clients. The overall effect of the approach to access appears to be an exercise in devolving responsibilities from the Department without any clear likelihood of benefit to consumers and considerable cost to service providers.

### **Key Policy Element 3. How is disability determined**

The requirement in relation to permanency is problematic. As indicated earlier children or their families may require intervention that is timely and targeted to prevent longer -term or increased levels of demand on the support system. The system needs to allow enough flexibility to accommodate this.

The definition under the heading “Impact of impairment or ABI on capacity” is confusing, particularly the use of the term “current”. This requires further elucidation of the point being made.

The responsibility on agencies for determination of a disability and the appropriate service response regardless of whether the person is considered to be eligible for disability support services requires a level of engagement and commitment to finding a suitable response that is likely to be beyond the capacity of most agencies and at this stage is not a funded function.

Whilst MacKillop does attempt to be responsive to the needs of those who approach our services we believe that the requirements spelt out in the policy are not likely to be able to be met without having an impact on service delivery. From our reading of the policy agencies will need to establish an intake, information and referral capacity in order to ensure that they are able to respond and produce the documentation in the manner required.

### **Key Policy Element 4. Review of decisions**

MacKillop Family Services supports an approach to access which is transparent to those who are seeking services. The review process is clearly articulated in the policy however seems primarily to relate to a situation where there is dispute about the nature and extent of disability. In our experience many of the disputes are likely to arise from the refusal or inability to offer a service. The process does not address this circumstance in any detail.

### **Key Policy Elements 5 & 6.**

Families often report how exhausted they are from tangling with the bureaucratic red tape and the many barriers to getting the support they need. It is important that the processes and responses are sensitive to the needs of families for clear, timely, affordable and responsive review mechanisms.

### **Key Policy Element 7. How is priority of access determined?**

The policy lays out a framework for decision-making. When combined with the necessity to be able to document and justify decisions it suggests a quite comprehensive process.. It is our experience that this is not as straightforward an approach as it may sound. MacKillop Family Services. It will be impossible for an

agency such as MacKillop Family Services to maintain its level of service delivery if it is required to research and record the process of determining priority as described in this document. This approach is a function currently performed through the priority panel process. This is a clear shifting of responsibility without any additional resources

### **Related Policies, procedures and legislation**

There is no mention in this section of the relationship with Education. This is a primary interface for children and young people with disabilities. The Children Youth and Families Act, and protocols between child protection and disability are also key documents.

### **Conclusion**

The overall aim of this policy is to support a greater degree of transparency and consistency in response to people requiring disability support services. However the policy has been conceived without any detailed analysis of the blocks within the service system, and without a detailed implementation plan. The overall effect is likely to increase the 'merry-go-round' for clients and increase the burden for services with the likelihood of little satisfaction on either front. The proposed outcomes can only be achieved with a significant investment in the upgrade and coordination of intake functions at both an agency and a sector level.

MacKillop Family Services would be more than happy to discuss this response in further detail. I can be contacted on 9699 9177

Yours sincerely

Merrilee Cox  
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