



Welcome Home

Module 1: A rights-based approach to SDA



Module 1 provides an introduction to the NDIS Quality and Safeguarding Framework and the role of the Specialist Disability Accommodation (SDA) provider.

In this module you will learn about:

- Why rights are important to the delivery of SDA services
- The NDIS principles and objectives that underpin a rights-based approach to service delivery
- What a rights-based approach means for the SDA provider role

Please note, we recommend this module as pre-reading for any of the Welcome Home webinars.

Disclaimer

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Introduction

The NDIS Practice Standards for Specialist Disability Accommodation (SDA Practice Standards) centre around an SDA provider's obligations to uphold a tenant's legal rights. These rights are enshrined in Australian and international laws concerning residential tenancy, building, construction and safety standards, consumer rights and human rights.

When an SDA provider establishes policies and procedures that recognise the legal rights of an SDA tenant, they create a housing service that offers the same freedoms and experiences that everyone expects to enjoy in their home life.

Why are rights important?

In 2018, the last of Australia's large-scale disability institutions began to shut their doors in anticipation of the National Disability Insurance Scheme (NDIS) offering a new range of home and living services. This marked the end of an era of institutionalisation for people with disability, that segregated them from their families and the mainstream community.

While institutional care has been gradually giving way to community-based accommodation for several decades, many Australians with disability, who require support to live independently, have continued to reside in large group homes or residential facilities. This has denied them the right to fully control their home lives, including the right to choose where and with whom they live and how they are supported in their daily lives.

There is growing evidence that congregate living can reduce an individual's dignity and autonomy and increase their vulnerability to abuse and neglect. As recently as 2019, [the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#) heard evidence that the serious abuse of people living in group homes has continued to the present day.

"We have heard much evidence about the routine abuse and dehumanisation of people with disability in institutions and in some group homes... The accounts we have heard reflect what has happened in Australia in the 21st century ... the abuse and dehumanisation continue even today." (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Melbourne, 6 December 2019, p. 443)

Specialist Disability Accommodation (SDA) represents a major change in the way housing services are delivered to people with disability. It offers NDIS participants the opportunity to live independently, and in smaller scale shared housing, and is underpinned by a service approach that focusses on an individual's needs and champions their legal rights, as tenants and consumers, to live on their own terms with safety, dignity and real independence.

The Welcome Home education package has been developed with the support of people with lived experience, both as residents in supported accommodation and as SDA tenants. Their stories and experiences appear throughout the Welcome Home package, bringing the concept of rights-based service delivery to life. In the Welcome Home video below, we hear from SDA tenants about what makes a place a home.

Click here to access [What does home mean to you video](#).

SDA: A brief background

In 2015, the NDIS released an [SDA Pricing and Payments Framework](#) that set a clear policy intention for a housing service that facilitated the independence and autonomy of NDIS participants. The SDA model ties funding to the individual and separates the delivery of housing and in-home support services, giving participants greater flexibility and control over their service arrangements.

“NDIS funding for SDA is attached to participants’ plan and it is portable. That is, participants will have the ability to move between accommodation providers and their funding will also move. Participants will not be penalised for changes to their accommodation (such as provider, location and/or configuration)” (SDA Pricing and Payments Framework, p.3)

Since its inception, the SDA policy framework has evolved rapidly and SDA has become one of the fastest moving and complex service areas in the NDIS.

The [NDIS \(Specialist Disability Accommodation Conditions\) Rule 2018](#) (SDA Conditions Rule) outlines the registration requirements for SDA providers, including conditions for enrolling an SDA property. The [\(Specialist Disability Accommodation\) Rules 2020](#) (SDA Rules) establish criteria for the funding and delivery of SDA services, with a summary provided in the [SDA Operational Guidelines](#). In 2020, the SDA Rules were amended to give tenants greater flexibility to live with the people of their choice.

The NDIS [SDA Pricing Arrangements](#) outline the cost assumptions and conditions for setting SDA prices, and are regularly [updated](#) to align with Disability Support Pension indexation and broader market conditions. The SDA 'Price Guide' also contains the SDA Terms of Business that include standards for tenancy management.

In 2019, a dedicated [SDA Design Standard](#) introduced minimum design requirements for 4 categories of SDA, with an accompanying 18-month [SDA Innovation Plan](#) to stimulate opportunities for co-design and innovation across the sector.

In mid 2021, the NDIS released the first [SDA quarterly report](#), showing the sector has been growing steadily since 2019, with just over half the growth represented by new builds and strong growth in single resident dwellings. At the end of June 2021, nearly 60% of the estimated 28,000 eligible NDIS participants had SDA funding in their Plans.

In 2021, the NDIS conducted a [public consultation](#) to support the development of a Home and Living Policy that will work alongside the SDA Pricing and Payments Framework to give participants and providers greater flexibility in how they establish independent living options.

Materials

- [NDIS SDA Pricing and Payments Framework](#)
- [NDIS \(Specialist Disability Accommodation\) Rules](#)
- [Summer Foundation - SDA Rules 2020: what are the changes?](#)
- [SDA Design Standard](#)
- [SDA Innovation Plan](#)

The NDIS Quality and Safeguarding Framework

Establishing a rights-based approach to service delivery is central to the vision for the NDIS. The NDIS Quality and Safeguarding Framework (Q&S Framework) builds around the United Nations Convention on the Rights of Persons with Disabilities (CRPD) that asserts the human rights to independence and social and economic participation, including:

- The right to respect for a person's inherent dignity, autonomy and privacy
- The right to freedom from abuse, neglect, violence and exploitation
- The right to participate fully in the community

The Q&S Framework has been designed to ensure all service providers registered with the NDIS actively support the human rights of NDIS participants in the way they deliver services. The key objectives of the Framework are to:

- Uphold the rights of people with disability, including their rights as consumers
- Facilitate informed decision-making by people with disability
- Achieve person-centred outcomes for people with disability in ways that support and reflect their preferences and expectations
- Provide services that are safe and fit for purpose
- Allow participants to live free from abuse, violence, neglect and exploitation

The Q&S Framework establishes three domains of developmental, preventative and corrective measures that target NDIS providers, participants and the workforce. Together, these measures are designed to create a system that supports high quality service delivery and prevents adverse outcomes.

Components of the NDIS Quality and Safeguarding Framework

UN Convention on the Rights of Persons with Disabilities; National Disability Strategy 2010 – 2020; National Disability Insurance Scheme Act 2013		
Developmental: building capability and support systems	Preventative: preventing harm and promoting quality	Corrective: Responding if things go wrong
Individuals: supporting and empowering people with disability		
Providing participants information for decision-making	Safeguarding participants through planning, implementation and review processes	Responding to complaints
Providing accessible information on how the NDIS works, participant rights, providers and complaints processes	Having formal safeguards in the NDIS planning, implementation and review processes	NDIS complaints commissioner receiving and responding to complaints about NDIS-funded supports, as well as ensuring that all registered providers have an internal complaints system
Building participants' capability Supporting participants to build knowledge, skills and confidence to exercise choice and control	Funding advocacy services Funding formal individual and systemic advocacy services outside of the NDIS	Responding to serious incidents Providers reporting on and commissioner investigating dangerous situations

Strengthening natural supports Supporting participants to strengthen family and other support networks and participate fully in their community	Supporting self-managing participants Ensuring self-managing participants are equipped to manage their supports	Community visitors Continuing existing state and territory schemes during the transition and conducting a review to evaluate their role in full scheme
Links to information, linkages and capacity building	Links to supported and substitute decision-making (guardianship systems) and National Disability Advocacy Framework	Links to universal protections outside the NDIS (e.g. police, other regulatory and complaints systems)

Workforce: Promoting a safe and competent workforce

Building a skilled and safe workforce Supporting the development of an NDIS workforce with the attitudes and skills that meet the needs of participants	Screening workers Screening workers to help ensure they keep people with disability safe Ensuring workers have the skills for specific roles through provider quality assurance system and registration	Monitoring worker conduct Monitoring through employee screening functions, serious incident reports, complaints and breaches of the code of conduct
Links to Integrated Market, Sector and Workforce Strategy	Links to National Framework for Protecting Australia's Children	

Providers: encouraging safe, innovative, high quality support provision

Building provider capacity and best practice Supporting the development of a diverse and sustainable provider market able to meet demand and provide safe and high-quality services	Reducing restrictive practices Ensuring restrictive practices are reduced or eliminated by introducing consistent quality requirements for behaviour support practitioners and relevant providers, and reporting. The senior practitioner will conduct an educative role in the reduction of restrictive practices	Investigating non-compliance with the code of conduct Investigating potential breaches of the code of conduct and taking appropriate action
	Ensuring provider safety and quality Having provider quality requirements proportionate to the type of support offered and the needs of participants, and that builds a culture of continuous improvement. This includes oversight of the NDIS market	De-register or bar as NDIS provider
Links to NDIS Sector Development Fund	Links to National Framework for Reducing and Eliminating Restrictive Practices	

The NDIS Practice Standards

The [NDIS Practice Standards](#) set the performance objectives that all registered NDIS service provider must meet as a [condition of their registration](#). The Standards consist of a core module and supplementary modules for particular service provider registration groups.

In addition to their service obligations under the Core Module, SDA providers must also satisfy supplementary Module 5, [Practice Standards for Specialist Disability Accommodation](#) (SDA Practice Standards). The Welcome Home training modules 2 – 6 provide a comprehensive guide to each of the performance areas covered in the SDA Practice Standards.

An SDA provider may have additional obligations under the NDIS Practice Standards depending on their service model and should confirm the extent of their compliance obligations against the [NDIS registered provider requirements](#).

The NDIS Code of Conduct

The NDIS [Code of Conduct](#) establishes the standards of conduct for all registered service providers with 7 principles guiding service delivery that is legal, ethical and of a high quality. All NDIS providers must observe the Code of Conduct in the way they deliver services, as part of their conditions of registration.

NDIS Code of Conduct

In providing supports or services to people with disability, a Code-covered person must:

- a) *act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions; and*
- b) *respect the privacy of people with disability; and*
- c) *provide supports and services in a safe and competent manner, with care and skill; and*
- d) *act with integrity, honesty and transparency; and*
- e) *promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability; and*
- f) *take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability; and*
- g) *take all reasonable steps to prevent and respond to sexual misconduct.*

Materials

- [Convention on the Rights of Persons with Disabilities \(CRPD\)](#)
- [NDIS Quality and Safeguarding Framework](#)
- [NDIS Quality and Safeguarding Framework components](#)
- [NDIS Practice Standards](#)
- [Code of Conduct](#)
- [Condition of registration](#)
- [Module 5 - the SDA Practice Standards](#)
- [Additional service obligations](#)

The SDA Practice Standards

The [SDA Practice Standards](#) outline the service obligations of a registered SDA provider and are designed to guide high performance in the delivery of housing and tenancy support services.

Performance Areas

The Practice Standards cover 5 performance areas that shape the delivery of services to an SDA tenant. The 5 performance areas for SDA are:

1. Rights and Responsibilities
2. Conflict of Interest
3. Service Agreements
4. Enrolment of SDA Properties
5. Tenancy Management

Each performance areas sets a performance outcome that represents the 'tenant-focused outcome' an SDA provider must achieve as a condition of their registration. These outcomes are defined in the [NDIS \(Provider Registration and Practice Standards\) Rules 2018](#).

Performance outcomes

The 5 SDA performance outcomes reinforce the rights that an SDA tenant should enjoy in their home, including the right to exercise choice and control over their other NDIS support services and their legal rights as tenants and consumers.

The 5 performance outcomes for SDA are:

1. **Rights and Responsibilities:** Each participant's access to SDA dwellings is consistent with their legal and human rights and they are supported to exercise informed choice and control
2. **Conflict of Interest:** Each participant's right to exercise choice and control over other NDIS support provision is not limited by their choice of SDA dwelling
3. **Service Agreements:** Each participant is supported to understand the terms and conditions that apply to their SDA dwelling and the associated service and/or tenancy agreements
4. **Enrolment of SDA Properties:** Each SDA dwelling meets the requirements of the design type, category and other standards that were identified through the dwelling enrolment process
5. **Tenancy Management:** Each participant accessing an SDA dwelling is able to exercise choice and control and is supported by effective tenancy management

Performance indicators

Each of the SDA performance outcomes is supported by a set of performance indicators. The SDA Practice Standards contain 25 indicators in total.

The SDA performance indicators outline the key policy areas, procedures and practice principles that an NDIS auditor will look to, to assess how well an SDA provider is meeting their service obligations.

Compliance and good practice

The resources in the Welcome Home education package are designed to unpack the SDA Practice Standards and explore the performance outcomes that a registered SDA provider must achieve and the policies, procedures and practices that a provider *should* develop in order to establish a rights-based approach to service delivery.

The management components that support good practices in SDA delivery are:

- Policies that clearly commit to upholding defined tenant rights
- Strong and consistent communication between an SDA tenant and their SDA provider about their housing support needs
- Management systems that are flexible and responsive to an individual's needs and preferences
- Tenancy management practices that proactively support a tenant to exercise choice and control.

What does this mean for an SDA provider?

The role of an SDA provider is unique. It is broader in scope and deeper in its duty of care to a tenant than a mainstream landlord. An SDA provider is not only responsible for the provision of high quality accessible housing, they must also deliver tenancy management services that are responsive to a tenant's changing housing support needs and ensure the person's safety, security and welfare.

The SDA provider role is responsible for facilitating the autonomy of an individual in their home life by ensuring they have adequate information and support to make informed decisions about their tenancy. This places the SDA provider in a unique position to give validation to a person, with high support needs, as an autonomous tenant with rights and responsibilities.

“SDA providers can make a meaningful contribution to valuing a person with disability in their role of tenant – being allocated your own key to the property you pay rent for is important!” (SDA provider)

A key component of the SDA provider role is tenancy management. Whether a registered SDA provider takes on this role directly or sub-contracts to a third party, such as a community housing provider, the SDA provider is responsible for establishing policies and procedures that comply with the rights-based approach to service delivery outlined in the SDA Practice Standards.

“Focusing on building the capability of participants and supporting them to make connections recognises that the actions people take themselves are likely to be the most important component of the quality and safeguarding system. It also recognises the need for participants to be informed and discerning ‘consumers’ for the benefits of a market-based system to be realised, in particular to encourage providers to be flexible, responsive to participants’ needs and innovative.” (NDIS, 2018, Quality and Safeguarding Framework, p.7)

The Welcome Home education package provides a comprehensive guide to the SDA Practice Standards that outlines the service obligations of an SDA provider and highlights good practices for the developing policies and procedures that will support tenants to live with dignity, safety and independence.

What's next?

The remaining Welcome Home Modules (2 – 6) walk you through each of the performance areas in the SDA Practice Standards, with detailed explanations of each performance outcome and indicator and additional tools and resources that provide good practice tips and examples.