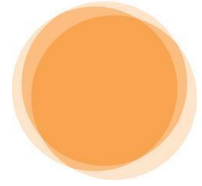


An NDIS Quality and Safeguarding Framework that improves choice and control over shared support in SDA

SUMMER
FOUNDATION



Summer Foundation submission to the NDIS Review

May 2023

Executive summary

The Summer Foundation welcomes the opportunity to make a submission to the National Disability Insurance Scheme (NDIS) Review on improving the NDIS Quality and Safeguarding Framework (Framework). An improved Framework supports NDIS participants (participants) to have greater choice and control over their NDIS-funded supports.

The NDIS Quality and Safeguards Commission recently released a report on incidents and complaints in group homes.¹ It found widespread instances of complaints relating to the abuse and neglect of residents of group homes.

Disability housing policy has moved away from institutional group settings towards individualised housing options, recognising that the home is important for promoting quality of life.² However, despite early optimism about this transition, institutional values and culture persist in many group homes.^{3,4} Participants are often set to a model of support that suits the support provider, rather than what the participant wants or needs. This has led to increased focus on the quality of support provided within group homes.

The opportunity

There is a need to consider how group homes can be redeveloped to support life choices of tenants. This should not be limited to the physical characteristics of the dwelling. It should also encompass the support provided within the home, the work culture among support workers, and providers' governance and business models.⁵ This will create settings for participants that enable choice and control, thereby reducing risks of abuse and neglect.

"We cannot afford to recreate or maintain institutions for people with disability, in which the group mindset restricts and hinders an individual's right to autonomy, flexibility and self-determination...For those who...live in a shared arrangement, we commit that tenant-centric governance, culture and support models are the antidote for institutionalism."

Emma* - Participant

¹ NDIS Quality and Safeguards Commission (2023) *Inquiry report: Own motion inquiry into aspects of supported accommodation*. Link [here](#).

² Summer Foundation (2021) 'Closed setting SIL Homes Policy Position Statement'. Link [here](#).

³ Rathbone A, Dwyer H, Winkler D and Mulherin P (2023) *Reimagining shared housing and living: Workshop findings and recommendations*. Housing Hub. Link [here](#).

⁴ Bigby C, Knox M, Beadle-Brown J and Bould E (2014) Identifying good group homes: Qualitative indicators using a Quality of Life framework. *Intellectual and Developmental Disabilities*. Link [here](#).

⁵ Rathbone A, Dwyer H, Winkler D and Mulherin P (2023) *Reimagining shared housing and living: Workshop findings and recommendations*. Housing Hub. Link [here](#).

What does success look like?

- Shared/group models of specialist disability accommodation (SDA) are reimagined, with modernisation going beyond just physical reform
- Individual and shared supports are structured to improve tenant quality of life, with tenant-led choice and control over these supports central to this
- Supports are delivered with a capacity-building mentality, to strengthen an individual's capacity to develop social capital and live independently
- Residential tenancy legislation ensures sector-wide quality and safeguarding best practice on the governance and culture of co-located tenancies

What needs to be done

Certainty in support funding

An effective framework for implementing and funding supports within shared models of SDA tailors the supports to meet the needs of a specific group of tenants, which includes accommodating the changing needs of tenants over time.

The provision of supports should not be prescriptive about the exact shared and 1:1 supports provided. Participants must be funded for the supports they individually and collectively need. One tenant's supports should not be affected if another tenant's NDIS plan or support needs change, or they leave the shared dwelling.

Clear separation of housing and support service provision

A complete separation of housing and supports is required to mitigate conflicts of interest that result in harm to tenants.⁶

Keeping housing and support service provision distinct from one another facilitates genuine choice for tenants, and the ability to exercise their rights in the shared living environment. Coordination of supports works well when 1:1 and shared supports are provided by separate providers and managed by the tenant.⁷

A tenant-led support workforce

The attitudes of support workers can contribute to tenants feeling constrained in their daily lives and uncomfortable expressing their specific daily needs. Support workers must take a 'capacity' approach to support provision, building the capacity of the person to live independently rather than taking charge and 'doing for' people with disability.⁸

Tenants must have a say in the selection of support workers and be able to provide feedback on the performance and attitude of support workers, particularly with respect to how 1:1 and shared supports are provided.⁹

⁶ Summer Foundation (2021) 'Closed setting SIL homes'. Link [here](#).

⁷ Winkler D, Finis C, D'Cruz K, Mulherin P, de Costa M, Rathbone A, Condi A and Douglas J (2022) 'Support in Specialist Disability Accommodation (SDA) Apartments'. Summer Foundation. p38-39. Link [here](#).

⁸ Rathbone A, Dwyer H, Winkler D and Mulherin P (2023) *Reimagining shared housing and living: Workshop findings and recommendations*. Housing Hub. Link [here](#).

⁹ Winkler D, Finis C, D'Cruz K, Mulherin P, de Costa M, Rathbone A, Condi A and Douglas J (2022) 'Support in Specialist Disability Accommodation (SDA) Apartments'. Summer Foundation. p112. Link [here](#).

Engaging tenants in joint decision-making is critical to deliver a quality shared support service where tenants are in charge of how shared supports are to be provided.¹⁰ More needs to be done to facilitate shared and supported decision-making, especially for tenants with intellectual disability or complex communication needs. An expert independent party would assist tenants to work together to make decisions in an informed and supported manner.

Equal rights and protections under law

Unclear application of state and territory residential tenancy law to SDA tenancies inhibits SDA providers from establishing governance and business models that support tenant choice and control. This presents significant quality and safety risks to participants and increases their vulnerability to abuse and neglect within the home.

Alignment between residential tenancy legislation and [NDIS legislation, rules and policies](#) is needed to ensure people with disability have the same tenancy rights and protections as other Australians, regardless of their living arrangement. To clarify rights and responsibilities for SDA tenants, SDA providers and support (1:1 and shared) providers, legislation must also be expanded to include quality and safeguarding best practice on the governance and culture of co-located tenancies.

Measuring of tenant outcomes

The development of any contemporary housing/support model must utilise a tenant outcomes framework¹¹ to ensure it can effectively meet the specific needs of people with disability.

Ongoing input from tenants is critical to ensure the supports provided in shared models of housing improve and change over time to meet the changing needs of tenants.

List of recommendations

1. The Framework must ensure people with disability are supported to coordinate the housing and support services needed to construct, maintain and evolve their living arrangements. The Framework must facilitate genuine choice for participants, and the ability to exercise their rights in a shared living environment.
2. The Framework must require the establishment and delivery of shared support services to involve tenant-led decision-making in shared living arrangements. Tenants must be engaged in joint decision-making over how they live and are supported.
3. The Framework must mandate and enforce a complete separation between the provision of housing, shared support and 1:1 support services.
4. The NDIS Quality and Safeguards Commission must work with state and territory governments to ensure equal tenancy rights under law regardless of the person's living arrangement. This must involve clarity around the rights and responsibilities of tenants, landlords and support providers in shared and co-located tenancies.
5. The Framework must require providers of shared models of housing to adopt a tenant outcomes framework, to facilitate the development of innovative models of housing and support that are driven by the needs and preferences of people with disability.

¹⁰ Winkler D, Finis C, D'Cruz K, Mulherin P, de Costa M, Rathbone A, Condi A and Douglas J (2022) 'Support in Specialist Disability Accommodation (SDA) Apartments'. Summer Foundation. p87-88. Link [here](#).

¹¹ Douglas J, Winkler D, Oliver S, Liddicoat S and D'Cruz K (2023) Moving into new housing designed for people with disability: preliminary evaluation of outcomes, *Disability and Rehabilitation*, 45:8, 1370-1378. Link [here](#).

About the Summer Foundation

The Summer Foundation was established in 2006 and exists to permanently stop young people with disability being forced into aged care, ensuring people with disability have access to the support required to be in control of where, how and with whom they live.

The Summer Foundation works to support people with disability who have high and complex disability support needs. It has a strong focus on supporting people with disability to access quality housing, which meets their needs and preferences, and enables them to live well in the community.

The Summer Foundation has established a number of social enterprises, including the Housing Hub and UpSkill. Capacity building of people with disability, their close others, support coordinators, allied health professionals and other key supporters is central to the work of the Summer Foundation.

The Summer Foundation works to influence, challenge and build capacity of the systems, policies and markets that need to change; to permanently eliminate the need for young people with disability to live in aged care.

We focus on unique, high impact interventions that complement the efforts of government, relevant sectors, markets and other organisations.



For further information

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