



4 December 2024

Department of Social Services

Via email: foundationalsupports@thesocialdeck.com

Dear Department of Social Services,

Re: Consultation on Foundational Supports

We welcome the opportunity to respond to the consultation on Foundational Supports.

About Jesuit Social Services

Jesuit Social Services is a social change organisation working to build a just society where all people can live to their full potential. For 47 years, we have accompanied the most disadvantaged members of the community, providing services and advocacy in the areas of justice and crime prevention; mental health and wellbeing; multiple and complex needs; settlement and community building; education, training and employment; gender justice; and ecological justice. Our services include a specialist coordination team supporting National Disability Insurance Scheme (NDIS) participants; and [Perry House](#), a Specialist Forensic Disability Accommodation provider offering residential service for young people with complex needs who have had contact with the criminal justice system.

Our services span Victoria, New South Wales and the Northern Territory where we support more than 57,000 individuals and families annually.

Introduction

Jesuit Social Services welcomes the introduction of Foundational Supports. We believe well-designed additional supports for people with disability, including information, advice and capacity building, can improve the accessibility and inclusivity of all services for a person with disability, regardless of the existence of an NDIS plan. However, to ensure nobody falls through the cracks of the disability support ecosystem, **Foundational Supports need to be implemented and resourced in a way that ensures equity and consistency of access to support.**

Our submission is informed by the experiences of our staff and participants - particularly across programs supporting people who intersect the criminal justice system. Many of these individuals currently face unique and complex barriers to accessing support from the NDIS. We welcome the commitment by DSS to consult with people with lived experience, their families, carers and community service organisations in the design of Foundational Supports. Implementation informed by this cross section of experiences can ensure a more accessible, equitable and inclusive system.

We also support the positive focus of Foundational Supports on building the capacity of people with disability to live independent, thriving lives. However, we note capacity building will look different for each individual. An approach that is tailored, system-focussed, and which considers the needs of a variety of cohorts, is explored in this submission.

Clarity on resourcing

Our experience indicates that a lack of clarity around resourcing and jurisdictional responsibility can have significant implications for continuity of care. For example, access to NDIS services in custodial settings can vary according to whether an individual has access prior to their incarceration, and according to their functional capacity. Many disability services within prisons are funded by state/territory governments. Once a person is released back into the community, however, reactivation of NDIS services does not happen automatically, and there is no trigger advising when a person has exited custody. In such instances, confusion about responsibility for service provision, and the lack of a smooth transition in service delivery, can result in a person lacking critical supports during a vulnerable time.

As resourcing of Foundational Supports will be shared between state/territory and federal governments, Jesuit Social Services calls for funding responsibilities to be clearly defined from the outset, so continuity of care can be assured regardless of funding source.

Eligibility

Our experience shows that people with complex needs, who may be accessing multiple service systems, often have difficulty proving they are eligible for the NDIS. Evidence requirements can be complicated, expensive and place an undue burden on the individual, their support team and their carer/s.

For instance, people with a psychosocial disability may have difficulty demonstrating a 'permanent' disability even if their diagnosis impacts their life and independence in a way they would describe as 'disabling'. Many participants in our programs find it difficult to complete neuropsychological assessments to prove that they have an acquired brain injury (ABI), other intellectual or neurodiverse diagnoses. AOD issues can also make these assessments challenging. As a result, we witness people with severe and complex needs who must manage without access to supports.

Learning from these experiences with the NDIS, Foundational Supports should minimise barriers to accessing support by providing a broader definition of 'disability' under the scheme, with inclusion of psychosocial disability, other forms of intellectual and developmental disability and neurodiversity. There should be clear eligibility criteria and reasonable evidence requirements for accessing supports.

Jesuit Social Services also recommends that the Government ensure Foundational Supports and the NDIS function to provide inclusive and equitable access to support for people with disability; and that

any reassessment of NDIS participants is undertaken with careful consideration of individual needs rather than a broad-based approach that could see people wrongly moved off the NDIS.¹

Specific considerations for people in contact with the criminal justice system

People with disabilities are [significantly overrepresented](#) in the criminal justice system, with a particularly high overrepresentation of people with an ABI or intellectual disability. A 2011 study by Corrections Victoria found that 42 per cent of men and 33 per cent of women in Victorian prisons were estimated to have an ABI, compared to the general population rate of around two per cent. In 2023, the Victorian Auditor-General's Office (VAGO) reported that the Department of Justice and Community Safety [does not know](#) how many people in prison have an ABI or intellectual disability in Victoria, nor what proportion of this group requires specialised support.

As described above, Jesuit Social Services has observed a gap in the commencement of services, including NDIS funded services, for some participants when they exit custody. This can be due to service provision not recommencing during the pre-release period; delays in provider referrals until release is imminent (if an NDIS plan commenced while in custody); and Corrections sometimes not notifying the NDIS when someone is straight released without a residential address. Long wait times for adaptive assessments can also hold up access to support. This can compromise throughcare during a particularly vulnerable time. We call for Foundational Supports to be designed in a way that provides access to information, advice and capacity building support as part of pre-release planning, and supports continuity of care.

Currently, few NDIS providers have the specialist knowledge and skills to support people with complex needs, in particular people exiting custody who may have a dual diagnosis and/or face other challenges. There can be challenges in determining whether a person's needs are related to disability and/or to other issues such as AOD - and in tailoring support accordingly.

The NDIS private provider market has not been able to deliver the specialised, tailored support needed by this cohort and other people requiring the most intensive support. This may be in part be because of the fixed pricing structure, and challenges in ethical providers' capacity to remain financially viable. The current hourly rate for a disability support worker does not incentivise people to work with people with complex needs, nor does it cover the specialisation and skill-set necessary to effectively support them.

In response to this, we recommend tailored measures to ensure Foundational Supports are accessible for people requiring the most intensive support; and that there are clear pathways and assistance for accessing other supports where necessary/appropriate.

Building the capacity of mainstream service systems

Building the capacity of individuals to navigate service systems will not achieve the desired outcomes if the systems themselves are not inclusive and accessible. Alongside the establishment of

¹ Morton, M. (2024). Exclusive: NDIS crackdown wrongly withdraws support. The Saturday Paper. ([Weblink](#))

foundational supports, systemic change and dedicated resources are needed within mainstream service systems, including but not limited to justice, housing, education and social security.

For example, navigating and applying for Centrelink payments can prove difficult for people with disability, especially people with multiple and intersecting needs. For example, when Disability Support Payment (DSP) recipients have a custodial sentence of more than two years, they automatically lose their eligibility for the DSP and need to reapply on release. The reapplication process is time and labour intensive, and the validity of the requirement is questionable given the person has been eligible previously. Meanwhile, their capacity to live independently in the community is significantly impacted.

Jesuit Social Services recommends a focus within Foundational Supports on building the capacity of critical systems, to ensure people can navigate system complexity and access supports to which they are entitled. Consideration should be given to 1) streamlining disability support reapplication requirements, or establishing a fast-track and 2) establishing a team with specialised skills within Centrelink and other mainstream government services to work with people with disability or suspected disability.

Housing

Safe and appropriate housing is one of the most foundational needs for people with disability, and is the base from which they can live independent thriving lives, engage with their community and maintain access to services. The design of Foundational Supports should recognise that many people accessing the supports will be living in insecure or unsuitable housing, or may be homeless. As such, we recommend the scheme treat information, advice and capacity building in relation to accessing and maintaining appropriate housing as a high priority.

Interface between Foundational Supports and the NDIS

Noting that participants' experience navigating the NDIS to date is often described as complex and time consuming, the distinction between the NDIS and Foundational supports should be made clear. Easily accessible information on what supports and individual needs are funded under Foundational Supports should be available to consumers, families/carers and service providers.

Embedded liaison officers could be considered to help people to navigate between the two systems and other systems of support. This could draw on successful examples of disability liaison officers embedded in other services, such as in Victoria's child protection system, where they have been effective in supporting access to NDIS assessments.

Quality, Safety and Regulation of Services

Jesuit Social Services emphasises the need for a strong and accessible complaints and protection mechanism underpinning Foundational Supports. We have seen too many private NDIS providers prey on the vulnerability of the people with disability. The NDIS Commission needs to be resourced to respond to complaints and feedback for Foundational Supports as well as for the NDIS.



A service directory of available supports would also be valuable, including 'blacklist' of service providers where there is evidence of exploitative practices.

Thank you again for the opportunity to make this submission.

Yours sincerely,

Julie M. Edwards

Julie Edwards
Chief Executive Officer