



Submission in Response to the Own Motion Inquiry into Platform Providers Operating in the NDIS Market

Introduction

The CASS Care Limited, as an entity of the group commonly known in the community as “CASS”, welcomes the opportunity to lodge a submission to the NDIS Quality and Safeguards Commission regarding the Inquiry into Platform Providers Operating in the NDIS Market. As a longstanding community services provider, CASS has been dedicated to assisting people with disability and their families from culturally and linguistically diverse (CALD) backgrounds and advocating on their behalf. Our submission contains the views, experiences and feedback we received from NDIS participants, their carers and family members, disability services workers and CALD community representatives, through one-to-one discussions, face-to-face group consultations and focus group interviews. Our disability services representatives also share their observations and experiences while supporting NDIS participants and community members to communicate and interact with the National Disability Insurance Agency (NDIA).

About Our Group

We are commonly known in the community as “CASS”, our brand name. We are a multi-discipline community services provider, delivering a comprehensive range of social and welfare services to multicultural communities, aiming to cater and satisfy the needs of people in the multicultural community.

CASS consists of a group of entities, all of which are registered charities and listed companies limited by guarantee, including principally the parent entity, the Chinese Australian Services Society Ltd (founded in 1981), and the subsidiary, CASS Care Ltd (established in 2002) which is also an endorsed public benevolent institution (PBI) by the Australian Taxation Office.

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Over the past 42 years, CASS has grown from a concept into a major social and welfare services provider with a comprehensive range of community services, catering the needs of cradle to seniors, including residential aged care, child care, home ageing and disability services, vocation and training, volunteering, settlement and health services, Chinese language classes, cultural and interests classes, etc. At present, more than 5,000 families access CASS services and activities every week. CASS employs over 610 staff members and has a team of over 350 active volunteers helping to deliver services and activities to people of CALD backgrounds and the wider community.

Specifically, CASS Disability Services has 20 years of extensive experience in providing culturally and linguistically sensitive and safe quality services to support people with disability of multicultural backgrounds and fulfill their multifaceted needs since 2003. With the full-blown roll-out of NDIS in 2017, CASS has expanded its disability services provision from Group Homes, Centre-based Day Programs, Flexible Respite to Individual Support, Centre-based Day Programs, Support Coordination, Plan Management, Specialist Disability Accommodation (SDA), Supported Independent Living (SIL), Medium Term Accommodation and Short-Term Accommodation services.

In view of the acute needs of the CALD communities, CASS also operates carers groups, promotes the NDIS to the multicultural communities, and facilitates non-NDIS people with disability to access the Scheme with support from CASS own financial resources.

CASS is an approved registered NDIS services provider and has always been complying with quality standards and all relevant requirements to provide quality services to people with disability in the CALD communities. As CASS is an active party in the disability services industry, the impact of the operation of platform providers is known to and felt vividly by CASS. Hence, CASS is uniquely placed to contribute to the work of this inquiry into the Platform Providers operating in the NDIS market, especially affecting people with disability in the CALD community.

Our Response to the Inquiry

NDIS is Australia's largest social reform since the introduction of Medicare. Established to promote people with disability to live more independently, NDIS provides funding for services and supports to eligible participants. It is an important step in achieving the goal of equal access to care for people with disability.

According to the "Terms of Reference" from NDIS Quality and Safeguards Commission, 'NDIS Platform Provider' refers broadly to businesses that provide online platforms and online subscription services to connect workers with NDIS participants. NDIS Platform Providers include registered NDIS providers and NDIS providers who are not registered. Platform providers, both in registered and unregistered forms, are responsible for recruiting and managing the support workers, providing NDIS participants with required services, and offering various levels of quality and safeguard measures.

Platform Providers have been making up an increasing part of the NDIS market, offering NDIS participants an array of services such as support workers, transport, home modifications, etc. Platform Providers are changing the way people with disability accessing and managing their support, especially during the COVID-19 lockdown in the past 3 years. With Platform Providers, people with disability seemed to be enjoying more flexibility, responsiveness, and control over their individualised support and the choice of providers. This shift to greater control and connection is further evidenced from the increasing usage of technology by people with disability, such as the use of apps and online portals to manage their support. This trend is likely to continue as the proportion of people with disability who are using self-managed and plan-managed services are expected to increase.

Platform Providers are also enabling people with disability to access support and support workers faster, with some providers offering on-demand services, such as the ability to book and manage workers in real time. With the right support and support workers, people with disability can enjoy more freedom and independence, allowing them to live more fully.

However, although Platform Providers could be beneficial to NDIS participants, there are also many major challenges associated with using them. In contributing to the consultation,

we would like to share the challenges and issues we have come across that NDIS participants need to face, especially those CALD individuals when accessing and using NDIS services provided by Platform Providers.

Challenges

1. Loophole to Include Unregistered Providers in the NDIS Market

The “Terms of Reference” issued by NDIS Quality and Safeguards Commission for this Inquiry states that: NDIS Platform Providers include registered NDIS providers and NDIS providers who are not registered.

A registered NDIS provider is a person or organisation that is registered with the NDIS Commission in accordance with section 73E of the NDIS Act. NDIS providers must be registered to deliver some kinds of supports (e.g., supported disability accommodation, implementing regulated restrictive practices in a behaviour support plan), and they are required to comply with the NDIS Practice Standards relevant to the type of supports they deliver and meet other conditions of registration, such as complying with the NDIS Codes of Conduct, NDIS worker screening check, notifying the NDIS Commission about reportable incidents, and complying with behaviour support requirements, etc.

An unregistered provider is a provider of NDIS supports and services not registered with the NDIS Commission. There are no requirements for unregistered providers to be audited for compliance with quality standards.

At present, participants who self-manage or plan-manage their NDIS funding can choose to receive supports and services from unregistered providers, with the exception of certain types of support.

According to the latest NDIS quarterly report for the second quarter of FY2022–23, as at 31 December 2022, of the 151,037 providers who supported plan-managed NDIS participants in Australia, only 13,638 or 9 percent opted to be registered, while 137,399 or 91 percent have not registered. Registered providers received 59 percent, or \$2.352 billion, of total

payments in the quarter by plan managers to providers, while unregistered providers received 41 percent, or \$1.638 billion, of total payments in the quarter.

NDIS Quality and Safeguards Commission requires all service providers to comply with a high-level code of conduct that requires them to act respectfully and with integrity, honesty and transparency, and have effective complaints management in place. However, those unregistered providers do not have to show compliance with NDIS safety, quality and workforce regulations, and hence, do not need to incur high costs in terms of registration, recertification and mid-year audits, etc., giving them an unfair competitive advantage in terms of service fees in the market comparing with registered service providers. Most importantly, the lack of transparent quality standards control and supervision could cause harms to the participants and even lead to incalculable damage to the industry in the long term. Besides, while there is a complaint mechanism, it often takes weeks to resolve a matter and in practice provided little oversight. Amongst the 30 percent of NDIS participants who are self-managing plans and paying providers directly, the lack of registration means there would be operations with unregulated quality standards, unaccountable operators, and little visibility on who receives payments, opening the door to fraud and scams.

Referring to a news report by *The Age* newspaper in August 2022, Mr. Michael Phelan APM, the head of the Australian Criminal Intelligence Commission, estimated that as much as 15 to 20 percent of the annual \$30 billion cost of the NDIS might be misused, and he also described previous estimates that scheme fraud sits at 5 percent as “conservative”. The cost of NDIS scheme is estimated to grow to \$60 billion by 2030.

According to a report released by the think tank Per Capita in June 2022, significant growth has been noted in the NDIS market for unregistered service providers with online platforms who treated their workers as independent contractors, with the potential trend of turning the disability care sector into an Uber-style business sector and leading to a contraction of decent care. A 2020 survey of NDIS workers also found that 5 percent of the survey respondents had found work via an online platform showing a very rapid increase in market share for Platform Providers over just three years.

It has been gradually and widely recognised by the governments and the general public as a major loophole for NDIS to allow over 90 percent of NDIS service providers to be unregistered, largely avoiding safety and quality requirements and exposing the scheme to fraud and scams. In August 2022, Hon Bill Shorten MP, the Minister for NDIS, asked for a review of NDIS and asked the scheme's commissioner for advice on how registration might be developed to improve quality and safety. On 10 April 2023, NDIA released a new NDIA Participant Safeguarding Policy in order to improve NDIS participant safety, which marks the delivery of one of NDIA's first major co-design projects with the disability community since the commitment to co-design was enshrined in the NDIS Act in 2022. However, more work needs to be done in the face of the loophole of NDIS. Government intervention and thoughtful regulation are sorely needed to ensure that care and support quality standards are maintained, NDIS workers' rights are protected, and the integrity of the disability service sector is assured.

In fact, it is inappropriate and unfair for the NDIS system to allow over 90 percent of service providers to be unregistered and to permit two distinct groups of service providers to operate within the same market, this will obviously lead to an unfair and unequal market situation with unhealthy competition. If unregistered and non-regulated service providers continue increasing their share of the disability services market, they will further undercut the price of properly established employment-based registered providers who are spending a high portion of their annual operating budget on staff and compliance activities that involved interpretation, compliance, reporting and audits required by the NDIS Commission, exhibit higher levels of ongoing professional training, and peer-to-peer learning. This would lower the overall quality of the disability labour force in the market. To eliminate this existing loophole of NDIS and ensure all service providers are all on the same footing committed to a quality framework and national standards that would be routinely scrutinised, NDIA should implement a nationally universal mandatory registration system for all services providers, including Platform Providers, in the NDIS market.

2. Lack of Control and Supervision over Service Quality by Platform Providers

One major issue with Platform Providers is that they often have limited or no supervision of their services. Platform Providers typically facilitate the employment of a large number of

support workers online, who are not directly employed by the Platform Providers, resulting in limited or no control over the quality of the services provided to participants. This lack of control affects service quality directly, and clearly has a detrimental impact on and lead to many issues for NDIS participants, as it would lead to inadequate, inconsistent, inappropriate care, or even harm. For example, NDIS participants using Platform Providers' services may not be able to review the records of their support workers or be able to confirm the accuracy of the services they have received. Poor quality services can lead to a negative effect on NDIS participants' wellbeing, safety, and quality of life. Not only can it deprive them of access to the essential services they need, it can also lead to additional costs and delays in service delivery. This can be especially problematic for vulnerable NDIS participants of CALD backgrounds who may not have the capacity or sufficient resources, such as multi-language support services, to effectively monitor the quality of services they are receiving.

Platform Providers are also not always transparent about the qualifications, experience, and training of support workers, making it difficult for NDIS participants to make informed decisions about whom to be hired. This is particularly concerning when support workers lack proper training, experience, or qualifications. In some cases, Platform Providers allow family members or friends of NDIS participants to register as support workers. This can be a significant problem if the family members or friends do not have the necessary skills, experiences or qualifications to provide adequate support required, or if they do not have the same level of commitment to the NDIS participants as professional support workers. As such, it can be difficult for NDIS participants to ensure that they are receiving the highest quality of care and support when using Platform Providers.

In addition, Platform Providers may not be able to provide feedback to NDIS participants regarding the quality of their services like registered service providers, nor be able to provide NDIS participants with the same level of financial protection as direct employers, meaning that NDIS participants may not be able to keep track of their expenditure or ensure that their funds are being spent on the appropriate services, thus making them vulnerable to exploitation or abuse from Platform Providers as there may be limited supervision of support workers.

Overall, the lack of control over service quality is a major issue for NDIS participants using Platform Providers for services. Platform providers have limited control over the quality of services provided, and the lack of supervision and financial protection can leave NDIS participants vulnerable to exploitation or abuse. As such, it is essential for NDIS participants to ensure that they are receiving the highest quality of care and support when using Platform Providers and to be vigilant regarding the safety and security of their funds.

3. Quality and Safety Concerns in Contrast to Registered Services Providers

Platform Providers do offer a convenient way for NDIS participants to access their services and support. However, this convenience comes with certain risks and concerns due to the lack of monitoring and quality assurance, which could lead to a range of issues, including inadequate support regarding services and care, incorrect or incomplete paperwork, unreliable follow-ups, and issues with billing and payments, etc. These issues can compromise the well-being and safety of NDIS participants.

While platform Providers are offering a wide range of services, including personal care, support coordination, and therapy, etc., there is no guarantee that those services are of the same quality as provided by registered service providers. Without proper monitoring and quality audit, Platform Providers would be unable to ensure that NDIS participants are receiving the same standard of service and support that they would obtain from registered services providers. This can result in a lack of confidence and trust in the services, which can lead to poorer outcomes for NDIS participants.

In particular, Platform Providers:

- Lack safety measures that are commonly available from registered service providers. Without the necessary safety measures, NDIS participants could be exposed to harms. For example, Platform Providers would not have the same level of staff monitoring, training, and accreditation processes as registered service providers. This can lead to NDIS participants receiving services from unqualified or underqualified service providers, which can put them at greater risk of harm or exploitation.

- Unable to provide the same continuity of care as registered service providers. This can be especially challenging for NDIS participants, especially those from CALD communities, who need ongoing support from the same provider. Platform Providers would not have the same level of commitment to their clients, or the same capacity to provide long-term support.
- Do not offer the same level of supervision and accountability as registered service providers. This means that NDIS participants would not have access to the same level of support and protection if things go wrong. For example, in the case of a complaint or dispute, NDIS participants may find it difficult to pursue a resolution as Platform Providers may not have the same level of legal and regulatory compliance as registered service providers.

In contrast, registered services providers like CASS are better equipped to provide legally accountable quality assurance and safety measures that ensure the well-being of NDIS participants, as they have more experience and expertise provided by professional staff members. They can also offer additional support services, such as training and orientation for carers, and can provide more consistent follow-ups to ensure NDIS participants receiving the care and services they need. Registered service providers have established systems in place to address issues such as billing and payments, ensuring NDIS participants are able to receive the correct funds in a timely manner.

Overall, quality and safety concerns are major challenges for NDIS participants who use services from Platform Providers. In contrast, registered service providers are better equipped to ensure quality assurance and safety measures as well as the ability to provide additional services and support that individual NDIS participants may need, and offer more consistent follow-ups and reliable systems. Therefore, registered service providers are preferable when it comes to quality and safety concerns for NDIS participants.

4. Higher Risk of Encountering Unprofessional Behaviour from Platform Providers

Because of the lack of supervision and control, Platform Providers could lead to higher risks of unprofessional behaviour over support workers.

It is possible for Platform Providers to facilitate under-the-table deals between support workers and NDIS participants, resulting in a lack of accountability and a higher chance of unprofessional or unethical behaviour. Without proper monitoring, training, and supervision, support workers could engage in such behaviour or fail to provide the necessary level of care to meet the needs of NDIS participants. For example, Platform Providers would not have the capacity to provide adequate background checks and training, and they would not be able to enforce any ethical standard or professional codes of conduct.

The lack of accountability and regulation that exists between Platform Providers and NDIS participants can lead to various problems. For example, support workers would not be adequately trained or qualified to provide the services they are offering, leading to an inadequate level of care. In addition, NDIS participants could be overcharged for services, i.e., they get less value for their money. Also, Platform Providers may not have proper protocols in place to protect the rights and privacy of NDIS participants.

Furthermore, the anonymity and convenience of online platforms can make it easier for support workers to engage in unethical or unprofessional behaviour without being held accountable, creating higher risk of exploitation and abuse of NDIS participants, as well as a lack of accountability if things go wrong. Platform Providers could also lack the resources to properly monitor and evaluate the performance of support workers, making it difficult to ensure that they are providing the highest level of care and meeting the needs of NDIS participants.

To ensure the safety and well-being of NDIS participants, it is essential that Platform Providers are held to a higher standard and that there is effective monitoring and supervision in place.

5. Unhealthy Competition by Platform Providers

The use of Platform Providers especially those unregistered disability services providers to facilitate NDIS payments has grown significantly in recent years, and in many cases those Platform Providers offer lower administrative fees than those registered services providers, creating an unlevel playing field as registered services providers are required to provide

quality service but are unable to do so at competitive rates due to the pricing structure of Platform Providers. As a result, registered services providers are forced to lower their prices in order to compete, leading to a decrease in the quality of services provided.

However, unhealthy competition has a negative effect on overall service delivery. Platform Providers would prioritise certain services over others in order to maximise profits, leading to a decrease in the quality of service provided to NDIS participants, such as services being provided that do not meet the needs of NDIS participants or do not adhere to the standards set by NDIA. It also leads to a lack of choice for NDIS participants, as Platform Providers could only offer services provided by a few selected providers.

In addition, unhealthy competition would lead to a decrease in the accountability of Platform Providers as they are generally less experienced in dealing with NDIS service provision. Also, NDIS participants would find it difficult to hold platform providers accountable for any issue or mistake. Services being provided could be not up to the standard required by NDIA, resulting in NDIS participants not receiving quality care they should be entitled to.

It is important for NDIA to ensure that competition is fair to ensure that disability services are provided at a high standard.

6. Difficulties Faced by NDIS Participants of CALD Background

NDIS is designed to help people with disability to live their lives as independently and meaningfully as possible, by providing them with the necessary support, services and equipment they need. However, in order to access the NDIS, participants must register with a NDIS service provider who is responsible for helping them to access NDIS services.

Unfortunately, the process can be quite difficult and inconvenient for some participants, particularly those members of CALD communities who come from a variety of backgrounds, often have comprehensive needs for support and caring services, limited or no access to computers, and are often unfamiliar with online platforms. It can be very difficult for them to use the NDIS services, as they could be unwilling or unable to seek the necessary help to do so. In such cases, face-to-face communication and/or clarification by registered services providers are the best and most effective way of support.

In addition, many NDIS participants of CALD community may have difficulty in understanding the terms and conditions of the NDIS, as well as the languages in which it is written. This can lead to confusion and frustration, as CALD participants could be unaware of their rights and entitlements under the NDIS. It is particularly concerning as they are unable to access direct assistance and support they need from Platform Providers to understand the NDIS terms and conditions, which are available via face-to-face communication and clarification by registered services providers. Furthermore, members of the CALD communities could be unfamiliar with the different providers available and be unable to find the right providers to best meet their needs.

Members of the CALD communities often face more challenges when trying to access NDIS services, due to their limited access to technology, language barriers, and lack of understanding of the NDIS terms and conditions, etc. It is therefore essential that NDIS providers, especially Platform Providers, are aware of these issues and make every effort to ensure that their services are accessible to all members of the CALD communities, by providing additional support and assistance, as well as culturally sensitive and appropriate services.

Our Recommendations

For the issues presented and discussed above, we would like to offer the following recommendations:

1. Implementation of a Universal Nationally Universal Mandatory Registration System for All Service Providers in the Market

- To eliminate existing loophole of NDIS which allows over 90% of providers in the market to be unregistered, exposing NDIS participants to increasing fraud, scams and potential harms. A nationally universal mandatory registration system should be implemented to cover all services providers so as to ensure all services providers are fairly committed to a quality framework and national standards that would be routinely scrutinised.
- An interim independent audits and certification system should be established and implemented to monitor and oversee the current unregistered service providers,

including Platform Providers, to ensure that they meet the robust practice standards and policies safeguarding the participants during the roll-out period of the universal national mandatory registration system.

2. Strengthening Control over Service Quality for Platform Providers

- Increase the level of supervision and control of Platform Providers by NDIS authorities. This can include frequent unannounced inspections and reviews, with the aim of ensuring that NDIS participants are receiving high quality services.
- Introduce a system of financial protection for NDIS participants. This could involve a system of insurance or a refund policy, ensuring that NDIS participants are compensated in the event of the services they receive not meeting expectations.
- Develop a system of feedback and reviews, giving NDIS participants the opportunity to voice their opinions on the quality of services they have received. This can be done through an online platform, or through surveys and interviews.
- Increase the requirements on training and qualifications needed for Platform Providers, including frequent checks on the qualifications and experience of service providers, as well as the introduction of mandatory training for those providing services.
- Increase awareness of the services available to NDIS participants. This can involve extensive advertising and promotion of all services providers, as well as providing more information about the services available and the quality of services provided.

3. Enhance Quality and Safety Standards of Platform Providers

- Conduct unannounced checks on the compliance of the NDIS Code of Conduct for Platform Providers which outlines the quality and safety standards to be met.
- Require Platform Providers to provide NDIS participants with detailed information on services, safety measures, and billing and payment systems.
- Set up a robust complaint process for NDIS participants to report any quality or safety issues concerning Platform Providers.
- Encourage NDIS participants to use registered services providers whenever and wherever possible and promote the quality assurance and safety measures that these providers offer.

- Offer incentives to registered services providers who passed audits in order to encourage them to provide higher quality services and take additional measures to ensure the safety of NDIS participants.

4. Minimising Risks of Unprofessional Behaviour of Platform Providers

To minimise the risks of unprofessional behaviour of platform providers, we recommend that platform providers are required:

- To perform background checks and training for all support workers engaged through its platform and be held to high ethical standard.
- To have strict enforcement of their policies and procedures to ensure the safety and well-being of NDIS participants. Their policies and procedures must be regularly reviewed and up-to-date.
- To show that they have set aside resources to properly monitor and evaluate the performance of support workers.
- To establish rigorous vetting and screening procedures, regular monitoring of support workers, and a complaints process for NDIS participants to take up when they are not satisfied with the services they have received.

We also recommend the setting up of an independent body to monitor and oversee Platform Providers, ensuring that they are meeting the necessary standards of care.

5. Prevent Unhealthy Competition by Platform Providers

- NDIA should implement regulations and guidelines to ensure that competition between Platform Providers and registered service providers is fair and does not lead to a decrease in the quality of care for NDIS participants.
- Additional supervision and monitoring of Platform Providers should be implemented to ensure that services are being provided in accordance with NDIA's standards.
- NDIA could consider providing resources to help registered services providers competing with Platform Providers in order to ensure NDIS participants have access to existing high-quality services.
- NDIA should facilitate training and guidance to Platform Providers to ensure that they are equipped to provide services that meet the needs of NDIS participants.
- Establish a feedback system to enable NDIS participants to give feedback on the quality of services provided by Platform Providers.

6. Provide Support to NDIS Participants of CALD Background

- NDIA and/or relevant government departments should provide special grants for registered services providers and Platform Providers to enable quality disability-related specialist supports to CALD participants and their families.
- Platform Providers should arrange support to members of the CALD communities, such as establishing dedicated phone lines, manned by personnel trained with culturally sensitive and culturally appropriate skills.
- Support and assistance should be provided to help members of the CALD communities to understand the terms and conditions of NDIS.
- Platform Providers should ensure that their services are culturally sensitive and culturally appropriate to make CALD participants feel comfortable.

Conclusion

We would appreciate the NDIS Quality and Safeguards Commission considers the viewpoints and concerns expressed in this submission. By adopting the strategies mentioned above, we believe it will assist in improving the service qualities and minimising relevant risks arising from Platform Providers operating in the NDIS market, ensuring the high quality, flexibility and benefits that all NDIS participants and their families deserve.

We would be delighted to further discuss and elaborate on these issues and concerns.