



JacksonRyan Partners

**Aspirations, Hopes and
Generalities Do Not a
Plan Make**

**Draft Victorian State
Disability Plan
2013-2016**

5 July 2012

Note on Confidentiality

This document is presented as a response to the Draft Victorian State Disability Plan 2013-2016. As a response to a public consultation process the author requests that the report be made available as an open document for public access.

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Executive Summary

The draft Victorian State Disability Plan 2013-2016 fails to deliver a detailed strategic direction for the provision of services and support to persons with a disability in Victoria. In essence it fails to set out a composite set of specific actions to be undertaken over the coming four years.

The requirement for a State Disability Plan is clearly articulated in Victoria's Disability Act 2006 (the Act). Section 37 (3) of the Act states "*a State Disability Plan is to establish goals to assist in furthering the objectives and principles specified in the Act.*" This submission contends that the draft plan not only fails to establish such goals, but also it does not even acknowledge the objectives and principles as detailed in the Act.

Instead, as this submission argues, the draft plan only reflects what can be described as aspirational goals and hopes. It is therefore an aspirational plan only. By contrast, the Act infers what should be a strategic plan. A strategic plan must not only establish clearly articulated strategic objectives and the strategic actions to achieve such goals, but also detail the when and how such actions will be applied. The Act requires a disability plan to identify the needs of persons with a disability, to establish goals and priorities that support them, as well as identifying strategies for achieving the objectives and priorities. The draft plan ignores such requirements. It fails to provide any of the required detail and as such fails to meet the requirements of the Act.

While this submission notes that the draft plan acknowledges Victoria's commitment to the National Disability Strategy (NDS), it also argues that the focus of the plan is almost exclusively on the directions set by the NDS. The writer submits that given the Act, the draft plan should incorporate the requirement of the NDS with the requirements of the Act, rather than simply to seek to substitute the NDS as a pseudo Disability State Plan.

Also, while the National Disability Insurance Scheme (NDIS) is anxiously anticipated, it is concerning to note that the draft plan seems to suggest that it will be the saviour of disability services in Victoria. The fact is that the NDIS is not due to come into full effect until the year after this State Plan concludes. This submission argues that it is misleading, as the draft plan does, to suggest that the NDIS will play an important part over the four years of the plan.

The focus of the draft plan is almost exclusively on what can only be delivered by sectors that do not come under the jurisdiction of the Department of Human Services (the department), are not funded by the department, and do not have their priorities set by the department. The draft plan essentially ignores the direct responsibilities of the department. Despite reference to 300 disability agencies registered by the department, the draft plan does not identify priority objectives for further development, service access and improving the geographic spread of specialist services. The writer contends the draft plan must detail strategic actions to be taken by the department rather than seek to shift responsibility to entities not controlled by the department. He further argues that it is naïve to assume that the demand-supply equation will of itself lead to a blossoming of new services simply because of the expansion of individual support packages.

Despite the Foreword to the draft plan stating, "*Our focus now needs to be on providing the right supports, at the right time.*" And, despite the plan's recognition that the specialist system relies on informal supports, of which family and friends provide 77 per cent, the draft plan does not detail how this imbalance will be rectified over the coming four years. The plan gives no insight as to how the known waiting lists will be addressed. It gives no insight as to how accommodation and support, residential respite and specialist day services, that have consistently been the catchcry needs of persons with a disability and their families, will be addressed.



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This submission therefore argues that unless the many deficits evident in the draft plan are addressed, the final product will simply prove to be another glossy marketing document that fails yet again to address the needs of persons with a disability in Victoria.

1. The Legislative Base – Objectives and Principles

The mandated requirement for a Victorian State Disability Plan (the Plan) resides in the Disability Act 2006 (the Act). Section 37 of the Act provides unequivocal directions as to the requirements that must be met in the construct of the Plan.

Significantly, the Plan must:

- "Establish goals to assist in furthering the objectives and principles specified in the Act"
- "Identify the needs of person with a disability",
- "Establish goals and priorities for support of persons with a disability",
- "Identify objectives and policy priorities for the development and delivery of services for persons with a disability",
- "Identify strategies for achieving those objectives and priorities".

Given these mandated requirements, it is therefore essential to not only consider them in terms of the Act, but how or if the draft of the plan actually incorporates them as required under the Act.

In considering the goals as depicted in the draft plan, the assumption must be made that they in essence represent objectives. Given this, the task is to seek to identify what, if any, links they have with the objectives and principles as specified in the Act. In terms of the Act, seven objectives are listed in Section 4. Of the seven listed, five, that is 4 (c) to 4 (g) inclusive specifically relate to disability specific services and persons with a disability. Of the remaining two, 4 (a) relates to what is commonly referred to as community inclusion where the objective is to "advance" inclusion and participation. The second, 4 (b), requires the promotion of a "strategic whole of government approach in supporting the needs and aspirations of person with a disability."

Given the Act mandates its seven objectives as being required to be included in a disability plan, there is no question that the plan must address each. Further however, also given the fact that of the seven objectives, five are very clearly directly related to disability specific services, it therefore stands to reason that the plan must give prominence to how these objectives will be pursued over the four years of the life of the plan.

In reviewing the draft plan the writer submits that it shows significant bias to the objectives of community inclusion and a whole of government approach. Relatively minor consideration is given to the other five objectives and in effect they have been ignored. The writer submits that the authors of the draft plan, and thereby the government, not only have an obligation to address the Act's objectives, but to also detail how such objectives will be progressed. This has not occurred.

In terms of the Act's principles these are contained in Sections 5 and 6 of the Act. Section 5 is divided into five sub-sections with the first three covering rights and responsibilities of persons with a disability, rights applying to persons with a disability in the context of other members of the community, and principles applying to disability services providers. The other two sub-sections specifically relate to the least restrictive alternative and Parliament's intention in relation to the application of the principles. Section 6 relates specifically to persons with an intellectual disability.

The principles are wide-ranging and all together add up to in excess of 35. Yet, despite this, the draft plan not only fails to acknowledge the Act's principles as requirements to be

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addressed, but it creates its own six principles that are stated as underpinning the “changes needed”. It is of concern, that these newly created principles, while reflecting desirable concepts, have not been tied in any way to those principles articulated and mandated in the Act. Of equal concern is the fact that even in articulating these six principles, the draft plan then lists four outcomes, only one of which however actually comes within the control of DHS. The draft plan’s failure not to acknowledge the principles as contained in the Act and detail how the department will progress them, must also be seen as a significant deficit.

Given the draft plan’s failure to address the objectives and principles of the Act, it therefore stands to reason that in assessing the plan’s mandate, and therefore efficacy, it must be judged as failing the legislative test.

2. The Purpose of Planning

The concept of planning as a necessary tool in setting directions for organisations by identifying target outcomes and how these will be achieved is not new. Typically however, as with any concept, invariably academics and bureaucrats like to take it and explore how much a particular concept can be divided and sub-divided again. This being to the degree that if planning is taken as an example then there is no single definition, and as such, it therefore becomes necessary to specify the nature and purpose of any particular plan.

When considered in the context of the draft plan the question therefore arises as to what type of plan is the draft, or what type of plan is it meant to be. The writer expresses concern that much of the contents of the draft plan reflects what he argues, can best be described as an Aspirational Plan, as opposed to what he contends it ought to be, that being a Strategic Plan. While the writer acknowledges that one of the Act’s objectives makes reference to “supporting the needs and aspirations of persons with a disability”, this is only one of seven objectives.

To consider the draft plan from an aspirational versus strategic perspective, the writer points to the plan’s predisposition to talk in terms of broad-based generalities and to attribute identified actions to entities and organisations responsible - for example education, employment and health - or even more generally to the ‘community’. Essentially, the plan fails to identify the strategic objectives to be undertaken by the department, which of course after all is the government department that has the carriage of disability services.

Overall, the writer contends that the draft plan fails to present as a strategically focussed document. He argues that the plan tends to focus on aspirational objectives, does not detail any hard-nosed measurable objectives, and fails to specify the strategic actions required to achieve the desired outcomes.

3. Platform Issues

The writer submits that the real test of the efficacy of the draft plan is an assessment as to whether it includes, and if so, how it treats, what might be described as ‘must include’ elements. On this matter the writer therefore submits that the following elements not only must be included in a draft plan, but that they must also reflect the relevant legislative and strategic consideration where applicable.



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3.1 Planning for whom?

The Act provides the directive as to the target population for whom the plan must be directed. As a State Disability Plan therefore, the definitions relating to disability as contained in the Act provide the parameters of the target population.

The definition of disability as contained in the Act specifies "sensory, physical or neurological impairment or acquired brain injury or any combination thereof." Significantly however there are particular conditions imposed on the definition. The writer argues that these conditions therefore impose on the plan a far narrower target population than might be determined simply by applying the term 'disability'. The conditions must be associated with being or likely to be permanent, substantially reduced capacity in at least one of self-care, self-management, mobility or communications, and a requirement for ongoing or long-term episodic support. The definition of disability also includes intellectual disability and developmental delay, but excludes ageing.

The definition of intellectual disability requires the person to be over the age of five where the condition must have been manifested before the person reaches the age of 18. Additionally, the definition is very specific in that there must be "significant sub-average general intellectual functioning and significant deficits in adaptive behaviour". The definition of developmental delay covers children 0-5 years of age.

Given such definitions the question then is - Has the draft plan acknowledged and accommodated these definitions? The fact is, it largely fails to address the matter of definitions and in doing so it also fails to address the matter of individual disability cohorts and therefore fails to identify any specific strategic objectives for each.

3.2 The significance of entry information

The simple, yet necessary formula that must apply to any strategic plan, is that of what can be termed 'entry information', or in other words the question of - Where are things at prior to the commencement of the plan? The writer argues that this information is essential in that, unless such information is identified and clearly articulated as part of a plan, it is not possible to assess progress against the target objectives. In other words such information provides the benchmark against which progress, or lack of, can be assessed. Of equal importance is also the progress, or lack of it, that then should inform the contents of the 2017-2020 State Disability Plan.

In terms of the draft plan, the writer notes that there is a dearth of what might be considered as critical entry information. Apart from some figures related to the accommodation and support waiting list, the huge number of persons with a disability yet to receive a service, the over-all numbers of persons with a disability, plus the fact that family and friends of persons with a disability provide the bulk of supports, there is little else of functional entry information in the draft plan.

Despite the draft plan noting that there are in excess of 300 organisations currently registered with DHS, it then makes no use of the figures. Where for example does the draft plan provide tables identifying the geographic spread of such entities, the number of persons receiving services from them, the types of services provided by them, and the numbers waiting for services from them?

Where for example does the draft plan then seek to identify the service and geographic gaps related to unmet and under-met need? Where does the draft plan identify the strategic objectives to be addressed over its four-year duration aimed at ameliorating the unmet and under-met need? And where, for example, does the draft plan identify specific and detailed strategies to meet what should be strategic objectives? The answer - Nowhere!

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Without the inclusion of detailed entry information that can then be used to inform a detailed set of actions, the draft plan is simply an empty document aimed at creating an illusion that the government and department are committed to actually doing something of substance. The fact is of course that the draft plan fails to provide a blueprint for strategic action.

3.3 Waiting lists and unmet needs

Given the draft plan is concerned with disability, and given it must adhere to particular conditions imposed by the Act, the question also arises as to whether or not it adequately focuses on all persons that come within the definitional parameters.

This therefore raises the issue of how well, if at all, the draft plan details strategies for addressing waiting lists and unmet need of both persons currently receiving a service or yet to receive a service. The objectives of the Act, as noted above, are in the writer's view unambiguous in including all persons with a disability or intellectual disability or developmental delay as defined by the Act. As such, he argues that given a disability plan is mandated by the Act, it is therefore a requirement that the draft plan does include strategies to address waiting lists and unmet need.

Although the Foreword to the draft plan states that "Our focus needs to be on providing the right supports, at the right time," the plan fails to identify just how these supports will be provided, and by when. Given the draft plan identifies that, as at 2009 there were some 44,000 people with a disability who reported they did not receive the assistance they required, and also as at December 2011 there were 1,271 persons with a disability listed on the Disability Support Register, or Waiting List, waiting for supported accommodation, it seems reasonable to suggest that the draft plan would detail how these people will receive the services they need. But, not so, just more of the same general statements such as the need to 'build a better system', are provided. To highlight this deficit even more glaringly, it is noteworthy that the draft plan fails to even mention the 1,969 people with a disability waiting for support to live in the community and another 303 waiting for daytime activities – as published on the DHS website.

It is concerning to note that while the draft plan acknowledges that figures produced by PricewaterhouseCoopers estimate a staggering 77 per cent of people with a disability receive the care they need from their family and friends, nowhere does the draft plan say how it will reduce the burden on the family and friends of persons with a disability. This is even more staggering when it has been known for some time that the services and supports that families are crying out for are supported accommodation, residential based respite, and specialist day services. Despite these known facts, there is no detail in the draft plan as to how these identified needs will be met, where they will be located, and in what quantity they will be provided over the course of the four years of the plan.

While the draft plan makes much of "our challenges", the detail around these challenges is couched in the language of diversion and abstraction such, as changing community attitudes, the need for differing types of support for children and adults and the need to support people with a disability to voice their preferences. All very nice in the context of what one might call a framework statement, but hardly what can be called hard-nosed strategic language.

The writer argues that waiting lists and the provision of services and support to address identified unmet and under-met needs must be the core of any disability plan. These are the things that are known and are needed by persons with a disability and their families,



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and therefore they must be addressed as specific 'must do' actions. The draft plan almost studiously avoids addressing them.

3.4 Bridging the gap

The concept of bridging the gap in the context of a strategic plan is a simple trilogy of:

- Where are we at the commencement of the plan?
- Where do we want to be at the end of the plan's cycle?
- How are we going to get there?

Translated, this then embraces the concept of entry information as noted above, target objectives, and the strategies to bridge the gap.

In analysing the draft plan, but having already addressed the matter of entry information, the writer has also considered how definitive the plan is in terms of defining its target objectives and the strategies to achieve these.

The draft plan fails to identify such objectives but instead resorts to creating a model that depicts a set of four policy directions accompanied by outcomes. These are underpinned by the questions of – What are the key issues? What are we doing? What else do we need to do? What are our priorities? This would all be fine if, and the real issue is if, the policy directions were not generic to jurisdictions other than disability services. If the 'What we are doing' provided some figures which establish the benchmark for further development, and if the 'What are our priorities' detailed specific and figure-based target outcomes, then the draft plan would be of strategic value. This has not been done.

It therefore seems reasonable to ask - Why not? Surely it is not because it cannot be done. Therefore, it is more likely that it may be that it would actually tie the government and the department to outcomes by which they could then be judged. So it seems there is a deliberate avoidance to include what should be included.

3.5 How do we know? – Measurable objectives

Linked to the essentials of having strategic objectives and identifying the strategies to achieve them is that of - How is progress and the end result in relation to the objectives measured?

Quite simply, the way the draft plan is written and the lack of detail makes it impossible to identify how anything the plan lists as the objectives and outcomes can be measured. The draft plan fails the strategic measurement test.

3.6 Controlling the controllable versus influence and modelling

The writer notes frequent references in the draft plan to matters associated with entities that operate outside the disability sector and the direct control of DHS. The writer does understand the link that some of these references may have with Objective 4 (a) of the Act for promoting a "strategic whole of government approach". He also notes that the Act requires public sector bodies and Local Government Councils to develop Disability Action Plans.

While of obvious significance in terms of the Act seeking to broaden supports and services for people with disabilities within government and the wider community, the writer submits that, in part, the draft plan goes beyond the authority of the Act in terms of the responsibility and authority of DHS. Thus, while acknowledging that DHS may see itself as having a lead role to play in driving community education and in some way seeking to direct a whole of government approach, the writer argues that in reality this is somewhat blue-sky thinking. The reality is also that other government departments, including transport, health, and education, set their own agendas, have their own budgets and have to meet their own priorities.

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Given that DHS does not actually control what other public sector agencies and local councils do, it therefore stands to reason that the key focus of the plan should be on what the writer calls the controllables. That is - What is it that DHS actually controls and can directly influence through its funding allocations? The writer again acknowledges there is some requirement as per the Act's objectives for DHS to "promote a strategic whole of government approach", and that the draft plan does do this. However, what the draft plan does not do, in any detailed way, is to articulate how this will be done.

The writer express concern that the plan in its current form fails to adequately address the responsibilities of DHS in terms of what the department controls and directly influences and how it might meet these responsibilities. Instead the draft plan tends to attribute responsibility to other entities such as those responsible for health, education and housing. It is all very well to promote a whole of government approach and promote the concept of community inclusion and access to mainstream services, but in reality DHS does not control these things, it does not fund them, and it does not determine their priorities.

It is one thing to speak of influencing, but even here the draft plan fails to say how this will be done, and entirely another to actually be able to control and directly influence through funding.

3.7 The concept of hope versus the reality of detailed action

While hope, like aspirations, provides a feel-good flavour when setting the disability directions for the four years of the plan, it is far from satisfactory that the draft plan relies so heavily on terminology that tends to suggest hope rather detailed specifics.

By way of example, the writer contends that the language such as the following fails to reflect the exactness that can reasonably be expected of a strategic plan.

e.g.

- "Build the capacity... "
- "Strengthen pathways ..."
- "Promote and support ..."
- "Support appropriate health and community care responses ..."
- "Encourage interdisciplinary therapeutic models ..."

From page 25- Draft Plan

Given this, the writer therefore submits that hoping such and such will happen, simply by virtue of stating it, is not what a strategic plan should convey.

4. The place of the National Disability Insurance Scheme (NDIS)

The recent announcement by the Federal Government concerning the seed funding and initial trialling of the NDIS has been welcomed with much enthusiasm within the disability sector. The level of enthusiasm has possibly been no greater than that expressed by the Victoria Government through DHS. While the writer acknowledge the potential significance of the NDIS and thus accepts that mention should be made of it in the draft plan, he nonetheless questions what appears to be an almost reliance on it as being a key factor over the life of the plan. The fact is that apart from much detail yet to be provided as to how the



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NDIS will operate, the initial years will only consist of piloting which will not, at least initially be that of the full and finalised version. Indeed, based on current advice the full implementation of the NDIS is not due to come into effect until 2017, one year after the conclusion of the 2013-2016 Disability Plan.

The writer therefore submits that it is misleading, and essentially dishonest, to include in the draft Plan reference to the NDIS as though it will be a major contributor to the strategic directions for disability in Victoria over the coming four years.

5. The National Disability Strategy (NDS)

As a signatory to the NDS, the draft plan acknowledges Victoria's commitment to it and further that, "The draft plan is the vehicle for implementing the National Disability Strategy in Victoria." The writer supports the necessity of Victoria's plan acknowledging and detailing the links to the NDS, and identifying how the NDS will be advanced in Victoria. He nonetheless emphasises that the Victorian State Disability Plan cannot be superseded or over-ridden by the NDS. It must therefore again be stated that the State Disability Plan is a mandated requirement and as such it is required to address the objectives and principles as articulated in Victoria's Disability Act 2006. The draft plan does not do this. In not doing so the draft plan therefore denies Victorian individuals with a disability and their families and carers their rights as defined under the Act.

As an aside, the writer nonetheless expresses the strongest of views that if the NDS and NDIS are to be truly "National", then this will only occur if there is a single all-encompassing piece of legislation. Thus, it will only be then that the dichotomy of an NDS and a State Disability Plan will be able to be adequately addressed.

6. A Final Word

What then is the overall appraisal of the draft plan? Has it met the accepted requirements of a fully-fledged strategic plan? Does it have clearly articulated goals supported by well-defined strategies for implementation? Are there hard-headed measurements to assess the success or otherwise of the plan? And, does it fulfil its obligations under the Act? On the matter of each of these the answer is a resounding "No."

On the matter of identifying needs and under-met needs the writers submit that the draft plan fails to pin-point these to the degree needed in order to set detailed definable strategic objectives.

On the matter of goals the writer submits that the draft plan fails to articulate anything other than four broad-based policy priorities, of which only one can be considered as being in any way within the responsibility of DHS.

On the matter of detailed strategies the writer submits that the draft plan fails to articulate anything other than aspirational generalities.

On the matter of how the success of the plan will be assessed the writer submits that it is not good enough to state that detailed measurements are yet to be developed. They must be a living part of the plan so that waypoints towards achievement can be measured and reported on to the public of Victoria.

As such, the writer expresses extreme disappointment that the draft plan does not provide a blueprint for where disability is heading over the 2013-2016 period.

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7. Recommendations

The writer submits that if the draft plan to be translated into a direction setting document for disability services for the period 2013-2016 then the following must be incorporated into the final document. As such it is recommended that:

- (i)** The draft plan must be totally revamped in order to reflect a strategic focus as opposed to an aspirational focus.
- (ii)** The revised draft plan must set out detailed definable strategic objectives that address the objectives and principles as defined in the Disability Act 2006.
- (iii)** The revised draft plan must identify and separate those objectives that fit with the broader concept of a whole of government approach and community access, from those objectives that are specifically within the control and direct responsibility of the Department of Human Services.
- (iv)** The revised draft plan must identify specific operationally defined strategies, as opposed to the aspirational generalities that currently pervade the draft plan.
- (v)** As a direct link to (iv) above, the revised draft plan must detail the specific unmet and under-met needs to be addressed over the period of the plan.
- (vi)** As a direct link to (v) above, the revised draft plan must specify, by specialist disability service type and geographical location basis and/or Individual Support Packages, the details of the target needs and under-met needs to be addressed over the period of the plan.
- (vii)** The revised draft plan must detail the assessment methodology and assessment milestones in order to assess the achievements against the plan, and this must be done prior to its commencement in 2013.
- (viii)** The revised draft plan must set out, as an obligation, the requirement to report progress against the strategic objectives and strategies as identified in the plan, to the public of Victoria on an annual basis via a report direct to Parliament
- (ix)** Although the NDIS is in part noted in the current draft plan, the revised draft plan must acknowledge that the full implementation of the NDIS is not due to come into effect until 2017, one year after the end-date of the plan. As part of this acknowledgement the revised draft plan must therefore also note that the finite detail of the NDIS is not yet finalised and therefore to pre-empt how Victoria will apply the NDIS as part of their strategic directions is subject to uncertainty.
- (x)** The revised draft plan must provide a detailed outline as to how Victoria's Disability Plan integrates the National Disability Strategy with the Victorian Government's obligations under the Disability Act 2006, "to establish goals to assist in furthering the objectives and principles specified in the Act." S. 37 (3) Disability Act 2006.



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- (xi) A consultative process must be established for the revised draft plan whereby the consultation process must provide realistic timelines.

End of Submission

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