



3 July 2023

**Re: NDIS Review—Participant Safeguarding Proposals Paper**

Dear Review Panel,

Inclusion Australia is the national Disability Representative Organisation representing the rights and interests of Australians with an intellectual disability and their families. Founded in 1954, our mission is to work to make sure people with an intellectual disability have the same opportunities as people without disability. Our strength lies in our national reach and representation. We have member organisations in New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia. We also have Inclusion Australia staff in Victoria, Western Australia, and a branch in the Northern Territory.

We are grateful for the opportunity to provide feedback on the Participant Safeguarding Proposals Paper (the Proposals Paper) as part of the NDIS Review. We warmly thank the Review Panel for allowing us extra time to finalise our responses.

We believe the Proposals Paper demonstrates a substantive understanding of what NDIS participants want safeguards in the Scheme to do, and how these reflect fundamental human rights. However, there are some significant gaps we wish to highlight, as well as ways of addressing them. We believe that doing so will significantly bolster any forthcoming Scheme-wide strategy for participant safeguarding.

We believe the objective of this work should be to provide a guarantee that human rights will be upheld within services funded by the NDIS, and that participants will be listened to, respected, and embraced as part of their communities on an equal basis with others. This work should fundamentally acknowledge that safety is more than the absence of violence, abuse, neglect, and exploitation.

A crucial part of this work is to create pathways towards inclusion in all areas of a person's life—including education, employment, and housing—and to recognise that segregated settings lead to poorer, unsafe outcomes for people with an intellectual disability.

This is, at its core, what our community has told us safety really means in the lives of people with an intellectual disability and their family members. It is imperative that these expectations be matched within the NDIS, while the Scheme is being fully and sustainably implemented.

We warmly welcome any further conversations about any of the issues raised in this submission.

Kind regards,

A handwritten signature in black ink that reads "Sue O'Riley".

**Sue O'Riley**  
**Acting Chief Executive Officer**

## Summary of key points and recommended actions

This is a summary of our key arguments and related recommended actions. These are expanded on in detail on pages 4-10.

### **1. Redefine safeguarding to better reflect what safety means in peoples' lives, and raise the bar about what safeguards should do.**

- 1.1 The approach taken by the NDIS—which, we note, is based on the 2016 Quality and Safeguarding Framework which is currently being reviewed<sup>1</sup>—defines safeguarding too narrowly as being absence of harm, abuse and neglect. However, this absence does not in itself equate to safety. A new definition is needed. This should be based on the listening the NDIS has already done about what safety means to people, the current work and findings of the Disability Royal Commission, as well as further engagement as recommended in Action 1.2.
- 1.2 It is not clear that the NDIS has engaged with the people who experience the highest rates of violence, abuse, exploitation, and neglect. The NDIS must meaningfully engage with and centre the experiences of people with an intellectual disability who have the highest support needs, including people with complex communication needs, who very often have a range of unmet needs and subsequent experiences of dysregulation, and who very often experience segregated settings such as group homes. While this is not the only cohort who experiences segregated settings, it is well known that within that context, this group in particular lacks opportunities to build natural safeguards.<sup>2</sup> We believe that engaging meaningfully with people with complex communication needs will help ensure fuller opportunities and safeguards for all.

### **2. Significant investment in independent resources for capacity building to increase natural safeguards is urgently needed.**

*Actions:*

- 2.1 Sustainably fund independent capacity building resources towards a range of natural safeguards, including rights education, self-advocacy, making decisions and taking risks *in situ*—including with the freedom to make and learn from mistakes—on an equal basis with others.
- 2.2 Capacity building should be geared towards evidence-based preventative education and rights-based training, including Relationships and Sexuality Education (RSE) and Supported Decision Making, which must be delivered in an accessible, ongoing manner through trusted relationships.

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<sup>1</sup> View the submission here: <https://www.inclusionaustralia.org.au/submission/ndis-quality-and-safeguarding-framework-review/>

<sup>2</sup> McVilly, K., Ainsworth, S., Graham, L., Harrison, M., Sojo, V., Spivakovsky, C., Gale, L., Genat, A., Zirnsak, T. (2022). Outcomes associated with 'inclusive', 'segregated' and 'integrated' settings: Accommodation and community living, employment and education. A research report commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. University of Melbourne, Australia.

2.3 Enable pathways towards inclusion in all areas of a person’s life—including education, employment and housing—recognising that segregated settings such as group homes are evidenced as resulting in poorer, unsafe outcomes for people with an intellectual disability.<sup>3</sup>

**3. The Proposals Paper rightly acknowledges that ‘risk’ of, or ‘vulnerability’ to, unsafe experiences is the result of external conditions or circumstances caused by perpetrator’s actions (or inactions) and/or systemic failures.**

*Actions:*

3.1 Any Scheme-wide participant safeguarding strategy adopt a broader, contemporised view of risk and vulnerability to counter the misguided—yet persistently mainstream—view that an individual’s risk and/or vulnerability arises from internal conditions inherent in having an intellectual disability.

3.2 Use what the NDIS has heard about what safety means to people with disability—and continue engaging with those who have not been engaged with—to develop a holistic, person-centred understanding of what safety means in the lives of people with disability to guide policy directions.

**4. Effective safeguarding is contingent on dismantling unjust power imbalances between NDIS participants and service providers.**

*Actions:*

4.1 Ensure the strategy addresses the power imbalance between NDIS participants and providers. Safeguarding in the NDIS environment is too often complaints-based, which places the onus of responsibility on participants to drive quality and safety in their NDIS supports, rather than proactive.

4.2 Participants must have funded support to have a functional means of communication to be able to speak up, exercise their rights, and effect change in their lives—this is especially crucial for people with complex communication support needs and people who lack natural safeguards.

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<sup>3</sup> McVilly, K., Ainsworth, S., Graham, L., Harrison, M., Sojo, V., Spivakovsky, C., Gale, L., Genat, A., Zirnsak, T. (2022). Outcomes associated with ‘inclusive’, ‘segregated’ and ‘integrated’ settings: Accommodation and community living, employment and education. A research report commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. University of Melbourne, Australia.

## Discussion

### What does safety mean to people with an intellectual disability and their family members?

As the Proposals Paper rightly says, people think about and experience safety in different ways. Yet the definition taken by the NDIS—which, we note, is based on the 2016 Quality and Safeguarding Framework which is currently being reviewed—is too narrow. It defines safeguarding too strictly in terms of the absence of “harm, abuse and neglect”.

This sets a low bar in terms of what constitutes safety in peoples’ lives. The absence of violence, abuse, neglect, and exploitation equates to the fulfilment of a fundamental human right, but it does not in itself equate to safety.

People with an intellectual disability have told us about what safety means to them. In their responses, the incidence of violence, abuse, neglect or exploitation was not mentioned at all. Instead, people told us:

*“I feel safe when I am listened to”.*

*“I know I am safe when I feel like I belong in my community”.*

*“I feel safe when I am respected”.*

These responses demonstrate that safety is more than being free of different forms of abuse. It is a feeling of connection, belonging, being listened to and respected—an inclusive life, just as a person without disability would expect from those around them.

While the Proposals Paper demonstrates that the NDIS has engaged with people with disability to inform understandings of what participant safeguarding should look like, it is not clear that it has engaged with the people who are among the least likely to have robust natural safeguards. That is, people with an intellectual disability who have very high support needs, including complex communication needs, and who are likely to be living in group homes.<sup>4</sup> This cohort is also very likely to lack the resources to develop those safeguards.

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<sup>4</sup> McVilly, K., Ainsworth, S., Graham, L., Harrison, M., Sojo, V., Spivakovsky, C., Gale, L., Genat, A., Zirnsak, T. (2022). Outcomes associated with ‘inclusive’, ‘segregated’ and ‘integrated’ settings: Accommodation and community living, employment and education. A research report commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. University of Melbourne, Australia.; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2022). Overview of responses to the Violence and abuse of people with disability at home: Issues paper. Retrieved from: [https://disability.royalcommission.gov.au/system/files/2022-03/Overview%20of%20responses%20to%20the%20Violence%20and%20abuse%20of%20people%20with%20disability%20at%20home%20Issues%20paper\\_0.pdf](https://disability.royalcommission.gov.au/system/files/2022-03/Overview%20of%20responses%20to%20the%20Violence%20and%20abuse%20of%20people%20with%20disability%20at%20home%20Issues%20paper_0.pdf)

Family members of people in this cohort have also told us about what safety means and looks like for their loved one:

*“What makes my son feel safe is to be heard and understood, to be listened to—and proving that we’re listening. It’s not just saying ‘we hear you’, we have to actually deliver. Showing him that he has been listened to has slowly helped him feel safer”.*

Safeguarding is about planning and formulating certain measures, but more than that, it is about making something happen. Any definition of safeguarding within the NDIS, therefore, must include sustainably resourced and appropriately monitored implementation as a non-negotiable condition of effective safeguarding.

The definition taken by the NDIS differs also from that used by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission), which as well as being free of violence, abuse, neglect and exploitation, defines safety as:

“Developing a sense of dignity and autonomy; experiencing the promotion of informal safeguards—being known and valued in the neighbourhood and network of social communities; and experiencing the promotion of positive attitudes towards people with disability.”<sup>5</sup>

Any NDIS-wide strategy for participant safeguarding must reframe its definition and approach to safeguarding by meaningfully engaging with people with an intellectual disability—especially those with the highest support needs who are likely to be experiencing segregated settings in several, if not all, areas of life.

To create a more effective, true-to-life, rights-based, and aspirational policy direction, the NDIS must move toward a definition of safety that goes beyond merely the absence of abuse, to one that encompasses the rights and desires people hold to live a full life of inclusion, dignity, self-actualisation, and meaningful connections with those around them.<sup>6</sup>

## **Actions:**

- The approach taken by the NDIS—which, we note, is based on the 2016 Quality and Safeguarding Framework which is currently being reviewed<sup>7</sup>—defines safeguarding too narrowly as being absence of harm, abuse and neglect. However, this absence does not in itself equate to safety. A new definition is needed. This should be based on the listening the NDIS has already done about what safety means to people, the current work and findings of

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<sup>5</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2022). Overview of responses to the Violence and abuse of people with disability at home: Issues paper. Retrieved from: [https://disability.royalcommission.gov.au/system/files/2022-03/Overview%20of%20responses%20to%20the%20Violence%20and%20abuse%20of%20people%20with%20disability%20at%20home%20Issues%20paper\\_0.pdf](https://disability.royalcommission.gov.au/system/files/2022-03/Overview%20of%20responses%20to%20the%20Violence%20and%20abuse%20of%20people%20with%20disability%20at%20home%20Issues%20paper_0.pdf)

<sup>6</sup> Kendrick, Michael. (2013). A Life Lived Well. *Belonging Matters*. Issue 14. Retrieved from: <https://static1.squarespace.com/static/59ff91890100276a4ea3efe7/t/5a138899c83025d47f2d53a5/1511229594333/A+life+well+lived.pdf>

<sup>7</sup> View the submission here: <https://www.inclusionaustralia.org.au/submission/ndis-quality-and-safeguarding-framework-review/>

the Disability Royal Commission, as well as further engagement as recommended in Action 1.2.

- It is not clear that the NDIS has engaged with the people who experience the highest rates of violence, abuse, exploitation, and neglect. The NDIS must meaningfully engage with and centre the experiences of people with an intellectual disability who have the highest support needs, including people with complex communication needs, who very often have a range of unmet needs and subsequent experiences of dysregulation, and who very often experience segregated settings such as group homes. While this is not the only cohort who experiences segregated settings, it is well known that within that context, this group in particular lacks opportunities to build natural safeguards.<sup>8</sup> We believe that engaging meaningfully with people with complex communication needs will help ensure fuller opportunities and safeguards for all.

## **Significant investment in independent resources for capacity building to increase natural safeguards is urgently needed**

A crucial action that flows from a more integrated, true-to-life definition of safety is significant investment in independent resources to build capacity for natural safeguards. These resources should prioritise people with an intellectual disability—including people with complex communication needs—to increase the range of natural safeguards in peoples' lives.

There are two key examples of this we wish to highlight:

### **1. Supported decision making**

An investment in sustainably funded supports to ensure people have access to supported decision making is essential. As we have argued in previous submissions,<sup>9</sup> a significant investment in targeted programs which increase the understanding and skills of decision makers and their trusted, informal supporters is paramount.

The lack of sustainably funded capacity building resources for enabling supported decision making not only increases the risk of abuse and exploitation, it also normalises the idea of substitute decision making. This denies the right of all people with disability to equal recognition before the law, and to have their legal capacity acknowledged on an equal basis with others. The UNCRPD also

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<sup>8</sup> McVilly, K., Ainsworth, S., Graham, L., Harrison, M., Sojo, V., Spivakovsky, C., Gale, L., Genat, A., Zirnsak, T. (2022). Outcomes associated with 'inclusive', 'segregated' and 'integrated' settings: Accommodation and community living, employment and education. A research report commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. University of Melbourne, Australia.

<sup>9</sup> Inclusion Australia. (2021). Submission to the NDIA on Support for Decision Making. Retrieved from: <https://www.inclusionaustralia.org.au/submission/submission-to-the-ndia-on-support-for-decision-making/>; Inclusion Australia (2023). Submission to the Disability Royal Commission on Guardianship and Substituted Decision Making. Retrieved from: <https://www.inclusionaustralia.org.au/submission/submission-to-the-disability-royal-commission-on-guardianship-and-substituted-decision-making/>

recognises that access to appropriate supports is an essential part of actualising this fundamental right.<sup>10</sup>

There is an increasing body of evidence that supported decision making is itself an important safeguard, but that it also creates other forms of safeguarding by furthering the empowerment and self-determination of people with an intellectual disability in a range of different ways. As research commissioned by the Disability Royal Commission notes, supported decision making creates in the decision-maker:

“Greater exercise of choice and control; support to navigate complex systems; assistance to understand information and explore a broad range of options; increased opportunities to make decisions, and a greater likelihood that decisions would reflect their preferences. By having ... one’s choice respected, supported decision making was also seen to further confidence, skills in self-advocacy and decision-making, and awareness of individual rights”.<sup>11</sup>

## 2. Relationships and Sexuality Education (RSE)

Relationships and Sexuality Education (RSE) is another important example of capacity building to enable more effective safeguarding. Australia has a strong RSE curricula, yet it is often denied to people with disability, and especially people with an intellectual disability.<sup>12</sup>

Evidenced-based, accessible and ongoing RSE is a human right. It is crucial that RSE is delivered to everyone in a way that makes sense to them, and that it takes place through trusted relationships. This means that family members, teachers, carers, and other informal supporters are also taught and supported to facilitate ongoing learning in a safe, human-rights based and person-centred context.

Protective Behaviour Education (PBE) is inherent in RSE and is central to consent education more broadly. It focusses on body ownership and builds capacity for self-determination, making safe and

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<sup>10</sup> See Article 12—Equal recognition before the law.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-12-equal-recognition-before-the-law.html>

<sup>11</sup> Bigby, C., Carney, T., Then, S-N., Wiesel, I., Sinclair, C., Douglas, J., & Duffy, J., (2023). Diversity, dignity, equity and best practice: a framework for supported decision-making. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability <https://disability.royalcommission.gov.au/policy-and-research/research-program>. Page 31.

<sup>12</sup> There are myriad reasons for this, but some of the key barriers for people with an intellectual disability to accessing RSE include:

- Entrenched historical prejudices that characterised people with an intellectual disability as infantile, non-sexual beings, or people who will never have an intimate relationship
- Educators are generally not trained to deliver RSE to mainstream classes, let alone people with an intellectual disability
- When people with disability are included in RSE, they report not understanding the material as it does not meet their learning style
- There is not enough priority given to ensuring RSE takes place in an ongoing way through trusted relationships.

SECCA. (2020). *SECCA’s Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. Retrieved from: <https://www.secca.org.au/wp-content/uploads/2021/01/SECCA-Submission-to-the-Disability-Royal-Commission-October-2020.pdf>

informed choices, human rights and being able to recognise and speak up when something does not feel safe.

As well as being a human right, research is very clear that comprehensive RSE—which includes PBE—is essential to developing a person’s health, well-being and dignity; empowering them to develop respectful social and sexual relationships. It is also well evidenced that RSE and PBE are vital preventative measures that are shown to better protect all people—including people with an intellectual disability when delivered in an ongoing, accessible way through trusted relationships—from experiencing violence, abuse and exploitation.<sup>13</sup>

This is one example of capacity building resourcing that is urgently needed to bolster natural safeguards in the lives of people with an intellectual disability.

### **Actions:**

- Sustainably fund independent resources towards capacity building towards a range of natural safeguards, including rights education, self-advocacy, making decisions and taking risks in situ—including with the freedom to make and learn from mistakes—on an equal basis with others.
- Capacity building should be geared towards evidence-based preventative education and training, including Relationships and Sexuality Education (RSE), which must be delivered in an accessible, ongoing manner through trusted relationships.
- Enable pathways towards inclusion in all areas of a person’s life—including education, employment and housing—recognising that segregated settings such as group homes are evidenced as resulting in poorer, unsafe outcomes for people with an intellectual disability.

### **Rethinking the meaning of ‘risk’ and ‘vulnerability’**

We are pleased to see that the Proposals Paper highlights the reality that risks to the safety of people with disability result from external conditions and circumstances. That is, other peoples’ views, attitudes, actions, or systemic failures to provide safe places to live, work, socialise and belong.

Very often, however, the inverse is true: there is a mainstream understanding that vulnerability and risk are qualities inherent in having a disability.

From this perspective, being vulnerable may be seen as an intrinsic deficit, inferiority, or inability to know, express or act on one’s own agency. This misguided attitude can, and does, diminish a person’s humanity, dignity and autonomy. It potentially causes further stigma and exclusion and makes people less safe.<sup>14</sup>

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<sup>13</sup> Marson, K. (2021). *Ignorance is not Innocence: Implementing Relationships and Sex Education to safeguard sexual wellbeing*. University of Queensland. Retrieved from: <https://stories.uq.edu.au/policy-futures/2021/implementing-relationships-and-sex-education-in-schools/index.html>

<sup>14</sup> Our Watch, & Women with Disabilities Victoria. (2022). *Prevention of violence against women and girls with disabilities: Background paper*. Melbourne, Australia: Our Watch



For example, this misguided understanding can impact interactions between people with an intellectual disability and the criminal justice system, where behaviour associated with a person's intellectual disability, health condition or past trauma is often interpreted as being 'defiant' or 'risky' behaviour. This leads to disproportionate interactions among police and people with an intellectual disability, and the 'criminalisation of disability'.<sup>15</sup>

The NDIS must expand on this more contemporary, human rights-based understanding of conditions of vulnerability and risk. The disability sector could look to work being undertaken in other policy areas around violence prevention, including by Our Watch and Women with Disabilities Victoria around the prevention of gender-based violence. This work adopts the public health model of primary, secondary, and tertiary prevention and looks at whole-of-community factors and attitudes that underpin perpetration of harm or the creation of unsafe environments.<sup>16</sup>

A contemporary understanding of risk and vulnerability should be a core part of any NDIS-wide strategy for participant safeguarding, the goal of which, as we see it, is to:

- Compel NDIS services to uphold the dignity of risk by enabling risk to take place *in situ*. That is, enabling and supporting people to take and experience risk in their real, daily lives—on an equal basis with others.
- Provide more direction for service providers on how they can support people to make their own decisions, which often involves taking risks, to counter the propensity for the *potential* risks to service providers to usurp the right of the person to make decisions for themselves, experience risks, and make mistakes on an equal basis with others. For example, our community has told us that service providers sometimes do not allow people with an intellectual disability to make risky decisions, citing their 'duty of care' as the reason for this. Other described a 'cultural of fear around perceived risks' in service providers.<sup>17</sup>

## Actions

- Any Scheme-wide participant safeguarding strategy adopt a broader, contemporised view of risk and vulnerability to counter the misguided—yet persistently mainstream—view that an individual's risk and/or vulnerability arises from internal conditions inherent in having an intellectual disability.
- Use what the NDIS has heard about what safety means to people with disability—and continue engaging with those who have not been engaged with—to develop a holistic, person-centred understanding of what safety means in the lives of people with disability to guide policy directions.

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<sup>15</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2020). Issues Paper: Criminal justice system. Retrieved from: <https://disability.royalcommission.gov.au/system/files/2022-03/Issues%20paper%20-%20Criminal%20justice%20system.pdf>

<sup>16</sup> Our Watch, & Women with Disabilities Victoria. (2022). Changing the landscape: A national resource to prevent violence against women and girls with disabilities. Melbourne, Australia: Our Watch.

<sup>17</sup> Inclusion Australia. (2021). Submission to the NDIA on Support for Decision Making. Retrieved from: <https://www.inclusionaustralia.org.au/submission/submission-to-the-ndia-on-support-for-decision-making/>. Page 46.

## **Effective safeguarding is contingent on dismantling unjust power imbalances between participants and service providers**

A premise of the NDIS market is the reliance on participants to drive quality and safeguarding within their NDIS supports. We have also voiced our concern over this premise in our recent submission to the NDIS Quality and Safeguarding Framework Review, which, in the 2016 version of this document, premises a complaints-driven approach to safeguarding.<sup>18</sup>

Clearly it is necessary to build capacity among NDIS participants to increase knowledge about their rights and build skills to exercise those rights—and that this must be coupled with access to fully resourced and widely available self-advocacy training and opportunities.

However, placing the onus of responsibility on participants is misguided and serves to perpetuate a fundamentally unjust power dynamic.

This is a key gap within the Proposals Paper, which does not mention the pervasive power imbalance within the NDIS between participants and providers.

We are concerned that if the NDIS continues to excessively rely on participant capacity to generate effective, holistic safeguarding within the NDIS, and a complaints-driven approach to quality and safeguarding, it will lead to the onus being on participants to drive quality and safety. That means the power imbalance will be perpetuated, and people with an intellectual disability, especially non-speaking people or people with complex communication needs, will be further disempowered.

The NDIS must recognise and actively work to address the power imbalance that exists between people and service providers, which makes it both illogical and unjust to place the onus of responsibility on participants to drive safety.

To address this, a significant investment in independent capacity building information and resources is needed in the long-term. We have made the following recommendations to the review of the Quality and Safeguarding framework, which also apply to safeguarding more generally, and should be actioned in any NDIS-wide participant safeguarding strategy.

### **Actions**

- Ensure the strategy addresses the power imbalance between NDIS participants and providers. Safeguarding in the NDIS environment is too often complaints-based, which places the onus of responsibility on participants to drive quality and safety in their NDIS supports, rather than proactive.
- Participants must have funded support to have a functional means of communication to be able to speak up, exercise their rights, and effect change in their lives—this is especially crucial for people with complex communication support needs and people who lack natural safeguards.

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<sup>18</sup> View the submission here: <https://www.inclusionaustralia.org.au/submission/ndis-quality-and-safeguarding-framework-review/>

## Summary

A research report detailing outcomes associated with ‘inclusive’, ‘segregated’, and ‘integrated’ settings for people with disability, commissioned by the Disability Royal Commission, offers a useful summary demonstrating the significant paradigm shifts that needs to occur across several areas of policy—and indeed, society at large—in order to support more effective formal and natural safeguards in the lives of people with disability:

*“There needs to be a shift in focus for research and policy development to address socio-cultural issues that place people with disability at risk of neglect, abuse, exploitation or violence.*

*There needs to be a shift in focus for research and policy development to address structural disadvantage, with a focus on countering stigma and raising community expectations of people with disability i.e., raising expectations about what people might achieve in education, personalised living arrangements, employment, social and political participation and contribution to their community.*

*There needs to be a shift in focus for research and policy development to address structural disadvantage, with a focus on discrimination and circumstances giving rise to discrimination. There needs to be a shift in focus for research and policy development to address structural disadvantage, with a focus on discrimination including calling out and penalising situations of discrimination”.*<sup>19</sup>

The Proposals Paper represents some significant and positive work by the NDIS to enable more effective formal and natural safeguards that uphold the human rights of people with disability. We are pleased to see movement towards a more integrated, true-to-life understanding of safety that is grounded in human rights and lived experience.

However, there is more work to be done to ensure any Scheme-wide participant safeguarding strategy is targeted and effective—particularly for people who experience the highest rates of violence, abuse, exploitation and neglect. Those people are very often living and working in segregated settings. The evidence for this, as discussed in this submission, is increasingly abundant.

The NDIS has a duty to respond to that evidence and implement the actions recommended in this submission to achieve stronger, more effective safeguards that are supported by **sustainable implementation** and **fully resourced and evidence-based capacity building** opportunities.

Once again, we thank the NDIS for the opportunity to submit our feedback to the Proposals Paper and warmly welcome any further conversations about any of the issues raised in this submission.

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<sup>19</sup> McVilly, K., Ainsworth, S., Graham, L., Harrison, M., Sojo, V., Spivakovsky, C., Gale, L., Genat, A., Zirnsak, T. (2022). Outcomes associated with ‘inclusive’, ‘segregated’ and ‘integrated’ settings: Accommodation and community living, employment and education. A research report commissioned by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. University of Melbourne, Australia. Page 46.