

BEFORE THE FAIR WORK COMMISSION

S157 –VARIATION OF MODERN AWARDS TO ACHIEVE THE MODERN AWARDS OBJECTIVE

MATTER NO. AM2020/18

SUBMISSION OF LIFE WITHOUT BARRIERS

1. Life Without Barriers (LWB) is one of Australia’s largest disability service providers. We provide a range of services across Australia for people who are seeking support. LWB provides disability services, mental health and aged care support, services for children and young people in out-of-home care, including foster care, and services for people who are refugees seeking asylum in Australia.

Our Clients

2. LWB primarily works with people who need support for activities of everyday living, skills building and access to the community. Our approach is to partner with people to understand their needs and support them to access services we provide, or other services in the community, based specifically on their needs.
3. We currently work with approximately 25,000 people across Australia. This includes over 5,000 people with disability.

Our Disability Services

4. We support people with a wide range of disabilities, and we have a strong focus on supporting people with intellectual disability. Many of the people we support have high and complex support needs.
5. Life Without Barriers offers a range of disability services including:
 - Supported Independent Living (SIL)
 - Lifestyle Supports
 - Support Co-ordination
 - Community Based services
6. We offer these services in most states and territories. We are a registered provider under the NDIS and also support people who are not eligible for the NDIS.
7. Life Without Barriers currently employs approximately 7,300 people, with approximately 5,000 of those working in our disability services.

Business changes experienced by Life Without Barriers during the COVID-19 Pandemic

8. There are a number of new requirements that impact our disability services. Since the beginning of March there have been new regulatory requirements across the whole Australian community stemming from jurisdictional Public Health Orders and other advice/guidelines which LWB is required to meet.
9. Whilst the NDIS Quality and Safeguards Commission has not implemented new specific COVID-19 regulatory measures, it has provided a range of new resources and guidelines that assist providers to comply with ongoing obligations.
10. LWB has implemented all public health requirements as they have evolved relating to social distancing, visitors to homes, accessing the community and essential services and travel. Our approach has adapted in accordance with principles agreed by National Cabinet and changed since the start of public health restrictions.
11. The requirements and measures have been implemented in an adaptive way since March 2020 and are ongoing.
12. LWB has been required to understand the new requirements and measures, publish them in the form of policies and procedures and communicate them extensively to ensure that staff are aware of the requirements. LWB is also overseeing the implementation of the new measures and guidelines as well as staff training that is COVID-19 specific.
13. LWB continually implements new policies and procedures in the operation of our disability services as part of the normal course of business. Therefore, in this context, while there are specific provisions for managing COVID-19, the new requirements have not been unduly onerous. While LWB always maintains high standards of hygiene and professional conduct, the key change has been to ensure we are implementing protective and preventative measures in our services.
14. In respect of funding, the National Disability Insurance Agency (NDIA) has provided a number of measures:
 - An advance payment equivalent to one month's regular NDIA payment, which will be paid back to the NDIA;
 - 10% loading on some services – primarily our community-based Lifestyle Support services (this does not apply to SIL services).
 - Where a participant tests positive for COVID-19, the NDIA will provide additional funding for a one-off cleaning of the premises and up to \$1,200 per day for additional staffing and other requirements. This is only applicable in the context of SIL services.

LWB Clients diagnosed with COVID-19 – or suspected cases

15. LWB has supported one client with a confirmed case of the virus. Overall, we have experienced very low rates of infection across both clients and staff. In the confirmed case, the client was admitted to hospital and recovered there before returning to the accommodation service after two negative tests were confirmed.
16. To date, 11 people living in SIL accommodation have been required to self-isolate and LWB has continued to support them during this time.

Supporting a client with COVID-19 – Staff requirements

17. LWB developed specific policies and procedures for staff to support them in managing their day to day work and to assist them to understand ways to prevent the spread of the virus, as well as policies to guide how to deal with suspected or positive cases. These policies and procedures are unique and specific to COVID-19 and include a range of resources such as work instructions and training material.
18. Our staff have specific responsibilities outlined in the various procedures and resources in respect of people who have or are suspected of having COVID-19. This includes ongoing communication advising staff not to come to work if they are unwell or experiencing any symptoms, notifying their manager and our dedicated COVID-19 Call Centre. We are monitoring government health departments' announcements to modify these procedures as more information comes available.
19. Key requirements include using Personal Protective Equipment (PPE) correctly and implementing additional hygiene and cleaning requirements.
20. Staff have also been required to understand enhanced ways of practising good hygiene including more frequent handwashing and increased cleaning (including daily cleaning of areas such as door handles and high use areas).

Supporting a client with COVID-19 – Impact on clients

21. While LWB has experienced very low infection rates of COVID-19 to date, we appreciate that a person with disability may feel very uncomfortable when staff are wearing masks, goggles and other forms of PPE, that is not in usual use in providing direct care for people (such as gloves for example).
22. One of the ways we have mitigated this discomfort is through significant communication where staff talk with clients about what they are doing in donning and doffing the PPE, as well as continuing the trusted relationships with clients, so they feel

comfortable. While staff are required to take specific care in respect of COVID-19, overall, this has not resulted in onerous obligations or consequences for staff or clients.

23. LWB is ensuring that any use of restrictive practices meets the obligations we have to our clients and the requirements of the NDIS Quality and Safeguards Commission. We do not anticipate that COVID-19 measures will raise any specific issues in respect of restrictive practices.
24. We believe that there are some differences between supporting a client with COVID-19 and other infectious diseases. A key issue is, as mentioned, to understand and implement Public Health Orders which are regularly changed and updated. Primarily, the onus has been on management and administrative staff to provide clear instructions and information to clients, front-line staff and families about the public health provisions and how they impact on the operations of our services.

Proposed \$4.94 hourly allowance – funding

25. LWB is aware of the proposed variation to introduce a new allowance in the *Social, Community, Home Care and Disability Services Industry Award 2010*.
26. We recognise that there can be increased focus placed on staff as part of their normal duties should a client be diagnosed or suspected of COVID-19.
27. We also recognise that the NDIA has, to date, provided some funding that may assist with paying for an allowance.
28. The extent to which the funding will potentially assist with paying for any additional allowance is also dependent upon the extent to which such funds are expended on covering various costs that the organisation has and will continue to incur in connection with the development and implementation of measures to prevent the transmission of the virus between clients and staff. This includes costs such as associated with additional laundering and increased use of labour and PPE when assisting clients with COVID-19.
29. LWB has also incurred less obvious costs associated with taking preparatory measures for dealing with the pandemic. By way of example, this includes the cost of purchasing and transporting stockpiles of PPE for the range of locations that we operate in (including remote locations) and costs associated with ensuring that the organisation is responding appropriately to the challenge of the pandemic, such as preparing and training staff in relation to new or changed policies and procedures.