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MIFA Submission to the Joint Standing
Committee on the NDIS Inquiry into NDIS
Independent Assessments
March 2021

Introduction

Mental Illness Fellowship of Australia (MIFA) has collaborated with our sector partners Mental Health Australia (MHA) and Community Mental Health Australia (CMHA) to prepare a joint letter to the Chair of the Joint Standing Committee on the National Disability Insurance Scheme (NDIS), the Hon Kevin Andrews MP, about our response to the NDIS Independent Assessments Inquiry. We stand together to support the recommendations that MHA has submitted for consideration as part of their Policy Paper on NDIS Independent Assessments. This joint submission is attached at Appendix A. In addition, MIFA has further advice and recommendations on NDIS Independent Assessments that we detail below for consideration by the Joint Standing Committee on the NDIS. We thank the Joint Standing Committee for the opportunity to contribute to this Inquiry.

The need for additional consultation

The NDIA's proposed model for NDIS Independent Assessments has raised considerable concern for many consumers, their families and carers, and many psychosocial disability sector stakeholders. Since the initial announcement, we have seen staunch criticism from individuals receiving support, family members and carers, and from organisations working within the disability sector and the mental health sector about the speed with which the process is being introduced. At the heart of this concern is the lack of consultative and co-design processes for the introduction of this new reform.

MIFA is not alone in advocating for the importance of empowering consumers and carers in their own care. Promoting engagement and inclusion of consumers and carers within system reform processes, design, planning, implementation, and evaluation is critical to successful service design and delivery.¹ Consumers and carers want inclusive services that allow them to have a say in how their services are provided.² The Tune Review (2019) also recommended that “extensive consultation with participants, the disability sector, service providers and the NDIA workforce”³ be undertaken if the NDIA wanted to introduce an Independent Assessments reform. Whilst the NDIA has undertaken some consultative processes on the introduction of Independent Assessment policy, this does not constitute extensive and genuine consultation and co-design with consumers, their family and carers, and psychosocial disability sector stakeholders.

¹ Kaine, C. & Lawn, S. (2021) The ‘Missing Middle’ Lived Experience Perspectives Lived Experience Australia Ltd: Marden, South Australia, Australia.

² Kaine, C. & Lawn, S. (2021) The ‘Missing Middle’ Lived Experience Perspectives Lived Experience Australia Ltd: Marden, South Australia, Australia.

³ Tune, D. (2019). *Review of the National Disability Insurance Scheme Act 2013: Removing Red Tape and Implementing the NDIS Participant Service Guarantee*, at p. 66.

We recommend that the NDIA undertake additional consultative and co-design processes with consumers, their families and carers, and psychosocial disability sector stakeholders prior to the introduction of the Independent Assessment reform in 2021.

Undertaking an Independent Assessment

Independent Assessor Traits and Skills

Independent assessors who undertake assessments of people with psychosocial disability must have psychosocial disability specific skills, knowledge and experience. The complexity of assessing psychosocial functioning requires this.

To support the best outcomes for people with psychosocial disability, independent assessors must:

- be highly skilled and experienced professionals with relevant qualifications;
- have specialist knowledge, expertise and training in psychosocial disability, trauma-informed care and recovery-oriented practice;
- be skilled at establishing trust and rapport with individuals;
- be experienced in recognising signs of distress and be able to support a person to keep them safe until other support is available; and
- be culturally aware and responsive to the needs of individuals from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander peoples.

We are concerned that the Independent Assessment process could lead to increased emotional distress and anxiety for some people with psychosocial disability. There is a high risk that some individuals may become unwell just contemplating the Independent Assessment process and/or the need to speak to an independent person about their functional capacity whom they have not met before. Special consideration must be given to how independent assessors will manage situations where individuals find the assessment process confronting or triggering. Where this happens, individuals may disengage from the process altogether.

Appropriate procedures and training for independent assessors will be critical so they can support potential participants and participants with psychosocial disability to engage effectively to promote the best outcomes. It is also critical that the NDIA implement processes that will support assertive outreach services to individuals who have disengaged from the process to support them to reconnect and re-engage. If follow-up is not undertaken to re-engage with individuals with psychosocial disability, they will be at risk of falling through the cracks.

We recommend that independent assessors working with potential participants and participants with psychosocial disability have psychosocial disability specific training and demonstrate specialist skills, knowledge and experience that will enable them to support individuals with psychosocial disability throughout the independent assessment process. This

includes having skills and expertise to support individuals who may find the process confronting or triggering.

We recommend that the NDIA implement processes and procedures to support assertive outreach to individuals with psychosocial disability who disengage from the Independent Assessment process, to support those individuals to reconnect and re-engage with the NDIS.

Enabling flexibility

We support the foundational principle of tailoring approaches to meet individual needs when conducting Independent Assessments.⁴ This principle supports the application of flexibility in the assessment process. Flexibility will be critical when determining the duration of the assessment for people with psychosocial disability. We note that the NDIA has indicated that the average assessment will take approximately three hours to complete and that the assessment meetings can be conducted over different days and at varying locations. We recommend that the NDIA provide for further flexibility in the time taken to complete an assessment based on the needs and circumstances of each person with psychosocial disability.

The collection of valid information on a person's functional capacity across all areas of their life, where no prior connection has been established, may be challenging for people with psychosocial disability. We are concerned with the ability of independent assessors to accurately assess the functional capacity of a person with psychosocial disability, including their needs and the complexity of their circumstances, in an assessment that may only last up to four hours in length. People with psychosocial disability may experience a loss of functional capacity across a range of different life domains and may be at increased risk of homelessness, financial hardship, health concerns and social isolation. We are concerned that an independent assessment completed for only one to four hours will not be sufficient to accurately capture the functional loss of someone with psychosocial disability. This could lead to disadvantage and further hardship for individuals.

We recommend that flexibility, based on an individual's needs and barriers, is supported within the NDIA's processes for conducting Independent Assessments. Supporting independent assessors to tailor their approach based on individual needs, including taking additional time to complete an Independent Assessment, will support equity of access.

Independent Assessors Panel

The Tune Review recommended that the "NDIA should not implement a closed or deliberately limited panel of providers to undertake functional capacity assessments".⁵ Given this

⁴ National Disability Insurance Agency (2020). *Access and Eligibility Policy with independent Assessments*, p. 12.

⁵ Tune, D. (2019). *Review of the National Disability Insurance Scheme Act 2013: Removing Red Tape and Implementing the NDIS Participant Service Guarantee*, at p. 67.

recommendation, MIFA was surprised both with the limited number of Independent Assessors Panel Members appointed (eight organisations across Australia) and the speed with which the successful Panel Members was announced.

MIFA has concerns about the makeup of Panel Members, many of which are large multinational organisations. Our concerns are that:

- the limited number of organisations appointed may result in limited choice and control for individuals with psychosocial disability across Australia;
- large national and multinational organisations may not have adequate or sufficient systems and processes in place to ensure that healthcare professionals undertaking the assessment can promote quality, flexibility, local responsiveness and ensure sufficient time to work with individuals to understand their unique circumstances;
- given the small number of organisations appointed, the healthcare professionals conducting independent assessments may not have the breadth of psychosocial disability specific knowledge, skills and expertise that is needed to work with potential participants and participants with psychosocial disability to promote the best outcomes; and
- underqualified and inexperienced healthcare professionals who do not have an appreciation of the complexities often present for individuals with psychosocial disability may result in higher levels of disengagement with the process and poorer outcomes for individuals.

To address these concerns, MIFA urges the Joint Standing Committee to consider the introduction of certain safeguards to support better outcomes for potential participants and participants with psychosocial disability. These safeguarding measures aim to support quality, flexibility and transparency in the Independent Assessment process.

Firstly, we recommend that the NDIA undertake greater consultation around the appointment of Independent Assessors Panel Members to ensure there is appropriate representation by organisations that can support individuals with psychosocial disability across Australia, both in metropolitan, rural and regional settings.

Secondly, we recommend that all Independent Assessors Panel Members participate in quarterly forums with the NDIA and psychosocial disability sector stakeholders through the Mental Health Reform Group – Stakeholder Reference Group.

Engagement with the Stakeholder Reference Group would provide an opportunity to conduct regular reviews of the processes, outcomes, assessment tools and any other issues that arise as the new reform process is rolled out. This will also provide an opportunity to ensure that Panel Members are providing a service that aligns with the needs of people with psychosocial disability.

Lastly, we recommend that the NDIA monitor and review data on the outcomes of Independent Assessments per Independent Assessors Panel Member each quarter and report back to the Mental Health Reform Group – Stakeholder Reference Group.

It is important that the NDIA collect and monitor outcomes data on Independent Assessments for each Independent Assessors Panel Member. It is foreseeable that during the initial implementation phase, there may be discrepancies in the way that Independent Assessments are conducted and the outcomes that are achieved by each organisation. Some healthcare professionals may excel at conducting Independent Assessments with people with psychosocial disability and some may not. Collecting data on the outcomes and reporting on this will assist the NDIA and the psychosocial disability sector to understand best practice and support independent assessors to provide a quality service that is valued by consumers and carers.

Collecting outcomes data will also enable the Stakeholder Reference Group to identify any variations in outcomes at each quarterly review forum. This will provide Independent Assessors Panel Members with an opportunity to respond to any concerns and initiate quality improvements to support best practice. This can form part of the quality evaluation process for the Independent Assessments reform implementation.

Quality Assurance and Data Transparency

As part of the quality evaluation process for independent assessments, we recommend that the scheme actuary data is expanded to include the reasons for declined access. We also recommend that this data is made publicly available.

Of those who test their eligibility to the NDIS, 33% of people with a psychosocial disability are currently denied access. This ineligibility rate is significantly higher than any other cohort. The reasons people do not meet eligibility cannot currently be obtained. Understanding why psychosocial disability access applications result in the highest decline rate will be critical in assessing the success of the Independent Assessment process.

To monitor the success of this new process, MIFA recommends that data be gathered so we can compare Independent Assessment outcomes for people with psychosocial disability with Independent Assessment outcomes for people with other disability types. To support this analysis, data should be collected per disability type and per outcome. The evaluation process should include the ability to analyse cohorts, including priority cohorts, per demographic data set and monitor data according to age and residential location. As outlined above, the data should also be analysed per Independent Assessment Panel Member to monitor quality and evaluate expected outcomes (e.g. consistency of information and access decisions).

We recommend that accumulative de-identifiable data be made publicly available within reasonable timeframes. Whilst the NDIA provides some of this data now, these datasets will need to be expanded to monitor the success of the new Independent Assessments process.

We recommend that the NDIA make accumulative, de-identifiable outcomes data for Independent Assessments publicly available each quarter.

Summary of recommendations

We recommend that:

1. The NDIA undertake additional consultative and co-design processes with consumers, their families and carers, and psychosocial disability sector stakeholders prior to the introduction of the Independent Assessment reform in 2021.
2. Independent assessors working with potential participants and participants with psychosocial disability have psychosocial disability specific training and demonstrate specialist skills, knowledge and experience that will enable them to support individuals with psychosocial disability throughout the Independent Assessment process. This includes having skills and expertise to support individuals who may find the process confronting or triggering.
3. We recommend that the NDIA implement processes and procedures to support assertive outreach to individuals with psychosocial disability who disengage from the Independent Assessment process, to support those individuals to reconnect and re-engage with the NDIS.
4. Flexibility, based on an individual's needs and barriers, is supported within the NDIA's processes for conducting Independent Assessments. Supporting independent assessors to tailor their approach based on individual needs, including taking additional time to complete an Independent Assessment, will support equity of access.
5. The NDIA undertake greater consultation around the appointment of Independent Assessors Panel Members to ensure there is appropriate representation by organisations that can support individuals with psychosocial disability across Australia, both in metropolitan, rural and regional settings.
6. All Independent Assessors Panel Members participate in quarterly forums with the NDIA and psychosocial disability sector stakeholders through the Mental Health Reform Group – Stakeholder Reference Group.
7. The NDIA monitor and review data on the outcomes of Independent Assessments per Independent Assessors Panel Member each quarter and report back to the Mental Health Reform Group – Stakeholder Reference Group.
8. The NDIA make accumulative, de-identifiable outcomes data for Independent Assessments publicly available each quarter.

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Disclaimer

This submission represents the position of MIFA. The views of MIFA members may vary.