

Joint Standing Committee on the National Disability Insurance Scheme

Inquiry into the capability and culture of the NDIA

A joint submission from:

The Public Trustee of Queensland

On behalf of

The Public Trustee of Queensland
State Trustees Victoria
Public Trustee and Guardian ACT
The Public Trustee Tasmania

December 2022

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1. Executive Summary

Representatives from each state and territory trustee organisation agreed to complete a joint submission to the Parliamentary Enquiry into the Capability and Culture of the NDIA. This submission aims to present collective feedback from the state and territory Trustees who contributed their input.

As a group that provides services to some of the most vulnerable members of the Australian community, this combined feedback addresses the common issues experienced by the participating Trustees about the capability and culture of the NDIA from the perspective of court-appointed financial administrators.

Many adults who have a court-appointed financial administrator are also NDIS Participants. The NDIS has been a transformative social reform that positively impacts the lives of Australians with a disability; however, this submission aims to identify opportunities for improvement.

As a collective, the primary areas for improvement identified by the participating trustees include:

- a) Decision-making by NDIS Representatives
- b) Communication, engagement, information sharing and recognition of authority between NDIA and financial administrators

Continued investment in upskilling NDIA staff in implementing the NDIS Rules and Operational Guidelines would facilitate improved transparency of decision-making. Additionally, allowing for improved flexibility for requesting capital supports outside of a plan may enhance the responsiveness of meeting urgent, unmet reasonable and necessary disability supports and the requirement to self-fund these supports. In turn, this may reduce the need for unscheduled plan reviews and the delays associated with requesting these reviews.

All Trustees identified that access to information about NDIS participants for whom they act is a significant barrier to providing personal and ongoing support tailored to clients with impaired decision-making capacity. All parties agreed that recognising court-appointed financial administrators for information sharing between agencies is critical to enable state and territory trustees to support financial decision-making.

2. Terms of Reference

ACT	Australian Capital Territory
NDIS	National Disability Insurance Scheme
NDIS Act	National Disability Insurance Scheme Act
NDIS Rules	National Disability Insurance Scheme Rules
NDIA	National Disability Insurance Agency

3. Glossary

Administrator	An administrator is a person appointed by the tribunal to make financial decisions for an adult who has been found by the Tribunal to have impaired capacity for making those decisions
Guardian	A guardian is a person appointed by the Tribunal to make personal decisions for an Adult who has been found by the Tribunal to have impaired capacity for making those decisions
Impaired Capacity	Refers to a person's ability to make decisions in a particular area of life. Impaired decision-making capacity may be due to an intellectual disability, acquired brain injury, mental illness, dementia or some other cause.
<i>National Disability Insurance Scheme Act (Cth) 2013</i>	The legislation which establishes The National Disability Insurance Scheme
<i>National Disability Insurance Scheme Rules (Cth) 2013</i>	Legislative instruments made under the NDIS Act that set out the more detailed operation of the NDIS and accompany – and should be read in conjunction with – the NDIS Act.
NDIS Plan	The NDIS Plan is a document that includes information about the participant's goals, current life circumstances and supports. The Plan also includes any informal, community and mainstream supports, and any 'reasonable and necessary' supports funded by the NDIS that is needed for a participant to achieve their goals
Participant	A person who is a participant in the National Disability Insurance Scheme

Plan Nominee	A person nominated to do any act that may be done by a participant under, or for the purposes of, the NDIS Act that relates to the preparation, review or replacement of the participant's plan, or the management of the funding for supports under the participant's plan.
Supports	a broad cluster of 'both informal and formal support arrangements, of varying types and intensity
Trustee	A state or territory agency that provides financial administration services to an adult with impaired capacity.

4. About this submission

The Public Trustee of Queensland invited each state and territory trustee to provide feedback to inform the responses addressed in the body of this submission. The submission addresses the Inquiry's terms of reference, including:

- a) the capability and culture of the National Disability Insurance Agency (NDIA), with reference to operational processes and procedures, and nature of staff employment
- b) the impacts of NDIA capability and culture on the experiences of people with disability and NDIS participants trying to access information, support, and services from the Agency; and
- c) any other relevant matters.

The primary themes and issues identified by the participating trustees include:

- c) Decision-making by NDIS Representatives
- d) Communication, engagement, information sharing and recognition of authority between NDIA and financial administrators

This paper will focus on the common themes and issues in consideration of the terms of reference.

5. Capacity and the Role of a Financial Administrator

Capacity is a legal term referring to the ability to exercise the decision-making process. The test for determining capacity varies across Australian states and territories; however, each jurisdiction implements a similar test. State and territory administrative tribunals assess capacity under their relevant legislation. There is currently no consistent approach to determining decision-making capacity across jurisdictions. A broad consensus of the critical attributes to determine capacity includes demonstrating the ability to:

- a) obtain and understand information
- b) evaluate the possible alternatives and consequences of a decision
- c) express and communicate a decision, and/or

d) implement a decision¹

When a tribunal assesses capacity, there is always the presumption that every adult can make all decisions until proven otherwise². If an adult has an impaired capacity for making a particular decision, then a decision-maker (guardian or financial administrator) may be appointed to support the adult in making decisions.

An administrator can act for adults with impaired decision-making capacity for financial matters.

6. Financial Administration and the NDIA

The factors that can impact decision-making capacity include (but are not limited to) intellectual disability, acquired brain injuries, mental illness, conditions such as dementia, and conditions associated with problematic alcohol and drug use. A disability of this nature would typically meet the disability requirement of the NDIS as it would result in a permanent impairment and significantly impact a person's functional capacity³.

Not all people with a disability have impaired decision-making capacity; however, the majority of adults with impaired decision-making capacity for financial matters present with a disability. As such, guardians and financial administrators can play a pivotal role in supporting adults with disabilities who are NDIS Participants⁴.

While the NDIA recognises the role of guardians appointed under relevant state and territory legislation, their recognition of the role of financial administrators is unclear.

On this basis, a joint submission providing the views of state and territory trustees is necessary to ensure the process addresses the terms of reference of this parliamentary enquiry.

7. Background Information

The NDIS is a significant social reform designed to fund disability support for eligible participants. The NDIS consumer-directed service delivery model supports the principles identified in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁵. Additionally, it recognises the importance for persons with disabilities to have individual autonomy and independence as it allows for choice of supports and what service providers are engaged.

While the Commonwealth does not have any legislation around Human Rights, several states and territories have enacted "Human Rights Acts". Human rights legislation compels administrators to act in a way that is compatible with human rights, consider human rights when developing new policies and procedures and, as such, aligns with the principles of the UNCRPD.

¹ <https://doi.org/10.3390/laws8020008>

² [Queensland Capacity Assessment Guidelines \(publications.qld.gov.au\)](https://publications.qld.gov.au/Queensland-Capacity-Assessment-Guidelines)

³ [Do you meet the disability requirements? | NDIS](#)

⁴ [Administrators - Financial decisions | Queensland Civil and Administrative Tribunal \(qcat.qld.gov.au\)](#)

⁵ [Convention on the Rights of Persons with Disabilities \(CRPD\) | United Nations Enable](#)

The ongoing development of the capability and culture of the workforce is key to the success of the NDIS. Recognising the importance of a skilled NDIS workforce, the NDIA has developed a NDIS National Workforce Plan: 2021 - 2025⁶. It identifies that the NDIA's vision is to "build a responsive and capable workforce that supports NDIS participants to meet their needs and achieve their goals". While the NDIA is committed to investing in the workforce's skill and capability and delivering positive outcomes to people with disability, there are areas for further improvement.

Administrators/Trustee Insight

Observations of our (financial administration) clients who are NDIS Participants range from moments of transformative change in the life of an individual receiving NDIS support to deep distress and extreme frustration at the capacity of decision-making, inability to access necessary supports and inconsistency with understanding and interpreting the challenges of accessing support.

8. Decision-Making by NDIA Representatives

The NDIS Rules⁷ and NDIS Operational Guidelines⁸ provide NDIA staff with a legislative framework and operational information about what to consider when making decisions under the NDIS. The administrator group contributing to this response reported a perceived inconsistency and a lack of transparency in processes, particularly in developing the budget in NDIS Plans for individual participants.

For individual participants, the NDIS Planner is the primary point of contact between people with a disability, and the planner's capability impacts the outcomes for NDIS Participants. Furthermore, how planners make decisions appears to be variable and consistent planning processes do not appear to be followed.

Administrators/Trustee Insight

Planners should have lived experience of good knowledge of disabilities. Planners are often not professionals who understand different disabilities to enable them to support a participant discuss, identify and predict their disability-specific needs during a plan period. This can disadvantage participants with a cognitive or intellectual disability or communication impairment, as they may have difficulty identifying and communicating their goals and needs.

Significantly, all trustees highlighted that their client group and formal and informal support networks continue to approach their financial administrator to use personal funds to purchase NDIS-type supports. These requests place a significant financial burden on people with a disability and can negatively impact the relationship between the person and their financial administrator.

Administrators/Trustee Insight

We exist in an environment where many clients resent and resist our participation in their financial affairs. Accordingly, the provision of information relating to their NDIS interactions is rarely forthcoming from them.

⁶ [ndis-national-workforce-plan-2021-2025.pdf \(dss.gov.au\)](#)

⁷ [Legislation | NDIS](#)

⁸ [Operational Guidelines | NDIS](#)

We obtain information through third-party sources, and our involvement with our NDIS-funded clients usually occurs due to misuse of or inadequate funding provision.

The reasons for these requests are reportedly varied and tend to include the following:

- a) There is a lack of funding availability in an NDIS Plan due to unidentified needs, poor management of NDIS funds resulting in the depletion of funds during the plan period
- b) The participant has not received a funding decision or plan review from the NDIA promptly, resulting in an urgent unmet need,
- c) NDIS has determined that the support requested is not related to the primary disability for which they met access to the scheme.
- d) The participant has not consented to the financial administrator having a copy of the plan. As such, the funding available in the NDIS Plan is not available to assist in making personal financial decisions
- e) Service providers seek funding from a financial administrator as an “easy and quick” funding option rather than following the NDIS process which is perceived to delay access to supports due to the need for assessments to be completed and processing of funding applications by the NDIA

Many of these requests relate to capital supports such as assistive technology, home and vehicle modifications and consumables recommended by a suitably qualified allied health professional.

One proposal is that improving the skills and ability of NDIS planners will ensure that plans accurately capture a person's goals, provide funding to meet a participant's disability-support needs, and consistently apply operational guidelines and rules. Additionally, allowing flexibility for requesting capital supports outside of a plan may improve the responsiveness of meeting urgent unmet reasonable and necessary disability supports and the requirement to self-fund these supports. In turn, this may reduce the need for unscheduled plan reviews and the delays associated with requesting these reviews.

9. Communication, Engagement, Information Sharing and Recognition of Authority

Administrators provide personal and ongoing support tailored to the individual needs of adults with impaired decision-making capacity for financial matters. The primary functions of an administrator are to ensure the correct income is received, pay accounts, and maintain a budget on behalf of an individual.

The financial authority of state and territory financial administrators does not extend to NDIS funds provided to a NDIS Participant. However, the NDIS significantly impacts the provision of financial administration for NDIS Participants.

While the NDIA recognises the role of guardians appointed under relevant state and territory legislation, their recognition of the role of administrators is unclear, and all

trustees are reporting significant difficulty in engaging and communicating with the NDIS.

Administrators/Trustee Insight

The big issue relating to the NDIS from a PT perspective is a legislative one – the lack of access to information about shared clients (i.e., NDIS participants with court-appointed administrators) creates inefficiency and confusion. The flow of information is not reciprocal, regardless of the negative financial implications for participants. The NDIS does not regard the PT as an agency entitled to plan information.

There have been attempts to develop a Memorandum of Understanding (MOU) between different states, territories and NDIS. Unfortunately, while an MOU allows for sharing of essential data about NDIS Participants, it will not provide access to individual plans. Consequently, the ability of administrators to act under their respective legislation to make prudent financial decisions is significantly compromised.

Administrators/Trustee Insight

The NDIS is now applying Compensation Reduction Amounts (CRA) to plans where an individual has received damages for a personal injury resulting in lifelong disability. The NDIS approach the PT to provide information to calculate a CRA but does not formally communicate the CRA decision to the PT as they do not recognise our authority. Application of a CRA results in a reduction in plan funding, so the participant will likely have unmet support needs. The PT is unaware the CRA was applied and cannot adequately provide financial advice and review investments to address the need for access to significantly greater funds in their budget. These are not insignificant amounts of money and can total more than \$50,000.00 per year.

The legislation governing state and territory administrators typically allows access to any information that a person would have access to make a decision on their behalf. As the NDIA does not recognise state and territory legislation, there is a disconnect in access to information.

The NDIS can share information about NDIS Plans and their decisions with a third party with consent from a participant. The NDIS has introduced Consent Forms for this purpose⁹. Rather than recognising an administrator's authority, the NDIS requests administrators gain consent directly from participants.

The core issue is the combination of the secrecy provisions of the *National Disability Insurance Scheme Act (Cth) 2013* and the lack of recognition of substitute decision-makers in the same Act. While information-sharing agreements and Memorandums of Understanding (MoUs) may be helpful, they must be consistent with the secrecy provisions and may prove untenable. To resolve the issue, it is proposed that the *National Disability Insurance Scheme Act (Cth) 2013* be amended.

When a state or territory agency cannot obtain consent directly from a participant, Information Sharing Protocol and an Information Request Form allow them to submit a request for specific information about an NDIS Participant¹⁰.

⁹ [Consent forms | NDIS](#)

¹⁰ [Sharing participant information | NDIS](#)

Typically, administrators will only request information required to exercise their power to make a financial decision. While successful applications have been made via the Information Sharing Protocol, there appears to be a significant delay for the NDIS to process these applications. Anecdotally, time delays have been approximately 4-6 weeks resulting in delays in finalising financial decisions by administrators. There is an inherent risk for people with disabilities associated with these delays due to urgent unmet disability needs in this period.

To alleviate these issues, recognition of the authority of court-appointed state and territory financial administrators will facilitate improved access to information required to support decision-making. This will lead to streamlined information sharing and better outcomes for people with impaired decision-making capacity to meet their disability-related support needs.

Annexure 1 – Response Matrix: Inquiry into the Capability and Culture of the NDIA

	QLD	VIC	ACT	TAS
The capability and culture of the National Disability Insurance Agency (NDIA), with reference to operational processes and procedures, and nature of staff employment:	<ul style="list-style-type: none"> Lack of consistency across regions and departments (eg. specialists teams -YPIRAC, AT, Compensation, complaints) appear to operate in silos as do the regional offices Planners – <ul style="list-style-type: none"> Not a professional who understands the nature of the disability to have an in-depth discussion with a participant to assist in can identify/ discuss/ predict specific disability needs – this can disadvantage participants with a cognitive or intellectual disability or communication impairment as they may have difficulty identifying and communicating their goals and needs inconsistency between participant plans even in the same SIL -different planners and support coordinators <ul style="list-style-type: none"> SIL Yard maintenance Nappy bin service Often do not recognise professional assessment recommendations 	<p>Decision-making and capability/knowledge appears to be variable, meaning a decision about a plan could be different depending on which staff member makes it. Another generic comment is efficiency (ie timely responses to issues) could be improved, recognising (as if often the case) demand likely outstrips supply for service and funds.</p> <p>The big issue relating to the NDIS from a PT perspective is a legislative one – the lack of access to information about shared clients (ie NDIS recipients who are under administration) creates inefficiency and can create confusion. This topic isn't covered in the issues below.</p> <p><u>Additional comments:</u></p> <p>The NDIA is so large that our clients can find it overwhelming to get what they require. There are support coordinators and supports in place to help navigate the system but initial steps can be quite daunting for some of our clients and their families due to the amount of information required and forms to complete. Clients can feel overwhelmed. Trying to get through</p>	<p>The capability and potential of the NDIA are significant factors in addressing some of the barriers to equitable access to systems, services and opportunity for persons with disability in Australia.</p> <p>The challenges in navigating the first stages of the NDIA process include recognising the need and substantial gaps in access and opportunities and PTG submits this remains as an emerging component of the NDIA's place as a provider in Australian social service.</p> <p>The NDIA, its workforce, its culture and its intersections with other services plays a significant role in the cultural transformation required for equitable access to services for persons with disability in Australia.</p> <p>PTG observes that the transparency of processes, the layers of procedure and lack of consistency in delivery, are a source of frustration and distress to participants, other agencies working with the same cohort of persons and potentially with staff. PTG acknowledges that the skill and capacity of the workforce in disability services requires</p>	<p>Speaking from experience, the recruitment process was not a smooth one. The position I had applied for was not fully detailed in Position Description, and the interview process was rushed. It could've been an isolated incident, but worth bringing up.</p>

QLD	VIC	ACT	TAS
<ul style="list-style-type: none"> Professional report funded by the plan, then no funding for the recommendations NDIS process for plan review is not timely when urgent unmet needs arise (eg. Plan reviews requested) How decisions are made is not clear Function vs diagnosis Need for all things to be in the plan – doesn't allow for flexibility to engage supports if needs change Robust SDA <ul style="list-style-type: none"> minimum standards rarely meet individual need – and further mods to SDA not support by NDIA Recommendation for client to insure against property damage which is a function of their complex behaviour support needs. Design not right and not acknowledging input of industry standards and knowledge Lack of capability to engage with experts SDA properties cannot be funded for further mods based on assessed needs by OT and behaviour support practitioners – even when reports and evidence of need for modifications is provided. 	<p>to the right areas for assistance can be tricky and challenging to understand. Not to mention the very long delays experienced in having this actioned, responses to enquiries, for sometimes, the simplest of tasks. High staff turnover, inexperienced staff and many moving parts can make it quite hard for people with limited capacity.</p>	<p>substantial investment over time and that the NDIA is delivering this to a large extent. PTG also notes the challenge in raising this workforce, maintaining diversity and standard and its intersection with other critical services such as housing, transport, education and health in each jurisdiction.</p> <p>Most critical to the workforce effectiveness is an understanding of the principles of the United Nations Convention on the Rights of Persons with Disability (UNCPRD), the social impact and the place that an insurance scheme might play in remedying some of the barriers to equity in Australia. A workforce with sound acknowledgement of this at core may be better able to articulate and identify the place of the scheme in the cultural transformation.</p> <p>Transparency of process and procedure would greatly assist in influencing the expectation of community, participants and staff in service delivery. This will also address frustrations particularly with timeliness and inconsistency and with a reasonable expectation that what the NDIA needs to deliver towards the goal of equitable participation in community for persons with disability, will evolve because inherent is the building of capacity in individuals, organisations and systems.</p>	

QLD	VIC	ACT	TAS
	<ul style="list-style-type: none"> ○ Investor model for SDA does not support SDA providers to meet individually assessed needs • Plan review <ul style="list-style-type: none"> ○ NDIA do not actively seek input from all parties supporting the participant (including PT) which leads to plan not accurately reflecting their support needs • Failure to identify and meet the needs of people with very complex behaviour supports needs with behaviours of concern, including long-standing history of property damage. • Review process is lengthy and does not allow for flexibility if a participant experiences a change in need/circumstance <ul style="list-style-type: none"> ○ Support coordinator requests urgent plan review – however this can take up to 6 months and participant is requested to self-fund in the interim • AT – <ul style="list-style-type: none"> ○ need for funding to be identified in the plan does not allow for a change in need ○ inconsistency in plans – rental of AT (existing AT) ○ not responsive - should be able to submit a request when the need arises 	<p>It seems counter-intuitive that persons with disability need increased supports and services, or are driven to the need for a substitute decision-maker to access a scheme for the purposes of building capacity with persons with disability.</p> <p>The NDIA's role in actively addressing access pathways and ongoing communication delivery tailored to the support needs of individual participants seems critical to sustainable delivery. This would also contribute to modelling equitable access for other general systems and reduce the burden of intermediate support services to access or utilise the scheme.</p>	

QLD	VIC	ACT	TAS
	<ul style="list-style-type: none"> ○ functional impairment vs eligibility access criteria (diagnosis) • PT see customers wanting to use their own funds for reasonable and necessary disability supports as the NDIS process takes too long (e.g wheelchair with 6 month time frame for a plan review) • Operational processes and procedures are unclear and appear to be applied differently across regions and departments • Lack of flexibility <ul style="list-style-type: none"> ○ return phone call, would not take message for staff member that DSO returned call – complaint submitted, nil response ○ Won't leave a direct phone number for a NDIA staff member for purpose of return phone call – need to go via 1800 number • Lack of communication with PT – failure to recognise authority • Issues of commonwealth vs state legislation • Consent <ul style="list-style-type: none"> ○ Wanting participants to provide consent when they do not have capacity ○ Legal documents – unable to enter into a legal contract – is this a legal document (precedent – Bergmann v Daw) – also service agreements in Qld 		

	QLD	VIC	ACT	TAS
	<ul style="list-style-type: none"> • Compensation: <ul style="list-style-type: none"> ○ Time frames of the information requested (ie. Records for expenses >10 years old is unrealistic and not legally required for tax purposes, so why NDIS) ○ Failure to include financial administrators in formal correspondence notifying when CRA is applied ○ How does the NDIA factor in if the participant does not want to use "their" money for the CRA??? ○ Conflict of interests between decision-maker and financial administrator issues ○ Impact on PT staff in obtaining information when we are not resourced to respond • YPIRAC <ul style="list-style-type: none"> ○ Failure to identify all young people in residential aged care ○ Time for plan reviews – participants financial disadvantaged as they need to fund their DAP/means tested care fee until plan review is completed and new plan approved ○ How do you get access if no guardian and in RAC – nursing homes won't do an application for a 			

	QLD	VIC	ACT	TAS
	<p>guardian or make access request as NDIS will not accept an access request from PT (nor is it role of PT)</p> <ul style="list-style-type: none"> Need for RAC to be a NDIS approved provider – people have been made to leave their home of many years to go to another facility. 			
<p>The impacts of NDIA capability and culture on the experiences of people with disability and NDIS participants trying to access information, support and services from the Agency:</p>	<ul style="list-style-type: none"> Sending correspondence to participants who cannot read and do not have any informal support networks PT (as appointed financial administrator) cannot access information relevant to completing our duties <ul style="list-style-type: none"> Annual budget – we could be paying for something that is a disability support Flow of information is not reciprocal – regardless of financial implications for customer <ul style="list-style-type: none"> CIF requests on multiple occasions for same participant – provided by PT multiple times and ongoing requests for more information (Taylor Mitchell) not sharing compensation information with financial administrators 	<p>NDIA can be slow to respond to requests and are not accessible by telephone; there seems to be limited flexibility in the way that they operate. Many people do not understand how to access the NDIS and can be confused about why, as their financial administrator, we aren't able to help them with the registration process.</p> <p>LAC – does not appear to be operating as intended. There is little to no community engagement or effort to access hard-to-reach people enrolled in the NDIS and there is limited offering of support advertised.</p> <p>A recommendation to have oversight of sole NDIS providers and their qualifications for dealing with more complex clients who are most vulnerable.</p>	<p>PTG's experience in representing its clients, who are participants in the NDIS, ranges from observed moments of transformative change in the life of an individual through previously unknown access to supports and services to deep distress and extreme frustration at the opacity of decision making, inability to access identified necessary supports (the thin market) and inconsistency with understanding and interpreting the challenges (very location specific) of accessing information, support and services and intersections with other services.</p> <p>Of significant concern to PTG is that the challenge in accessing information, navigating systems and paperwork overwhelms persons with disability or their families such that their agency in decisions about their own life is</p>	<p>Trying to find information around funding levels, and types of support that can be funded, can be difficult to find online. I understand that this is due to the vast range of supports that can be funded depending on the participants needs.</p> <p>As a Financial Administrator, we find it challenging to identify what are potential funding opportunities.</p>

	QLD	VIC	ACT	TAS
	<ul style="list-style-type: none"> ○ CIF – NDIS time frames unrealistic (want information is 10 days) ○ Application of CRA and reduction of funding in plan review not communicated to PT and time frame to review PT investment structures to ensure cash is available • CRA – how is this even being monitored by NDIS? There needs to be a better way to apply the CRA and fund supports (PT is unable to access information and supports from NDIA to manage CRAs). 	<p>People writing plans should have either lived experience or good knowledge of the disability they are planning for. Funding for core supports needs to be used more flexibly, but not all providers understand that this can be used for many different options of support.</p>	<p>significantly reduced or replaced with a substitute decision-maker.</p> <p>Simplification of the process, transparency in procedure, consistency in delivery of scheme intent must include steps to support any person with disability to access and utilise the scheme on their own behalf or to build capacity to do so with a supported decision-making network. Safeguarding the process of decision-making with support is immeasurably better than appointment of a substitute decision-maker (-public or private), more sustainable and more consistent with the goals of equity for persons with disability in Australian social and human services.</p>	
Any other relevant matters:	<ul style="list-style-type: none"> • Liaison with court-appointed decision-makers – not recognising the authority of PT • MOU not providing the information for specific participants, therefore unable to make prudent financial decisions about self-funding reasonable and necessary disability – MOU is not the solution for individual customers/participants • CI may not give consent 	<p><u>Information from our small, internal NDIS team:</u></p> <ul style="list-style-type: none"> • We recognise the enormity of the scheme, high expectations, number of participants and number of organisations providing services, and we therefore understand the difficulties NDIA is facing in implementing, delivering, governing, administering and managing expenditure of the NDIS. We also recognise many/most current participants and future participants are better off now and in future compared to situation prior 2013. 	N/A	<p>Access to participant plans, and ability to act on their behalf. I initiated conversation with NDIA which resulted in a dedicated team (Information Access) for us to contact and obtain copy of plans. Over the years, this team has expanded, however it has become harder for PT Tas to communicate with NDIA compared to when I first started the project with them.</p>

QLD	VIC	ACT	TAS
		<p>Our concerns are about:</p> <ul style="list-style-type: none"> • Apparent lack of commitment to continuous improvement; • Apparent lack of understanding about needs and requirements of people with disability, especially mental illness and intellectual impairment; • Apparent lack of tailoring of service to an individual's specific needs (based, often, on their disability); • Lack of awareness of the role of a financial administrator. <p>We are also concerned about:</p> <ul style="list-style-type: none"> • High staff turnover; • Limited people with lived experience of disability within the NDIS teams; • Significant variances in skills and capability (and possibly training offered); • Slow response times; • The use of privacy legislation (in our view, sometimes incorrectly) to either delay or avoid decisions; • Inconsistent service experiences due possibly to outsourcing to third parties and variable LACs. <p><u>NDIS Plans and Planning Process</u></p> <ul style="list-style-type: none"> • Terminology <ul style="list-style-type: none"> ○ As an example of consistency, additional Aged Care related fees (Daily Accommodation Payment) can be described in the plan as: 	

QLD	VIC	ACT	TAS
		<p>Contribution towards physical building and land OR stated support – additional aged care fees OR daily accommodation fee.</p> <ul style="list-style-type: none"> ○ Terminology can be complex, for example: <ul style="list-style-type: none"> ▪ Assistive Technology, Behaviour Intervention, Supported independent Living etc. Some of the terminology used can only be understood by people who are qualified in Disability services. Unfortunately, the plans appear not have been designed with the people with disabilities in mind and this leads to participants either not using the planned services, full potential of the NDIS plan and total allocated funds or misappropriation by the Service Providers. • Limited time to understand participants' goals and requirements • Insufficient meetings with participants about plans 	

QLD	VIC	ACT	TAS

Complaints Process

- Due to a large number of complaints NDIS receives into its Feedback line, the email has become a default enquiries line. Although we receive an auto response for the complaint, getting a response with a solution or outcome is not consistent.
- As State Trustees employees we may have an understanding about the complaint process but people with disabilities may not be able to understand the process. This has led to some of the Services Providers not doing what they are contracted to deliver as per the service agreement and also, sometimes, misappropriation of funds.
- The role of the NDIS Quality and Safe Guard Commission and Role of AAT is not clear when dealing with complaints against Service Providers and NDIA.

Role Clarity, lack of funding

- The lack of funding for advocacy agencies and not recognising the role of an administrator can lead to poor experience by participants. It can also prevent new participants entering into NDIS services.

Plan Review Process

- The NDIS receives a large number of plan review

QLD	VIC	ACT	TAS
		<p>requests. This could partly be explained by:</p> <ul style="list-style-type: none"> ○ An apparent lack of understanding about the people with disabilities and their needs and requirements by NDIA ○ Participants not having formal or informal supports around them ○ Participants' inability and non-capacity to articulate their requirements <ul style="list-style-type: none"> • However, in many cases, plans are not reviewed until the next due date or delayed causing greater inconvenience for participants to access the services they require. This has also led to Support Networks' unwillingness to submit review requests. <p><u>Scenario</u> STL client NDIS scenario is a great example highlighting some of the gaps: (Please note: client name has been redacted for privacy reasons.)</p> <ul style="list-style-type: none"> • <u>Client scenario</u>: Client* is non-verbal with significant care needs. Client has no services in place and his family does not know if he is on NDIS. He is from a CALD background. • Upon investigation, STL identified that our client is on NDIS and has an active plan. STL or his family was unable get a copy of his plan/ to advocate for services his 	

QLD	VIC	ACT	TAS
		<p>behalf as his plan did not have a nominee listed.</p> <ul style="list-style-type: none"> STL submitted an application for guardianship and his brother was appointed as guardian for access to services/NDIA. This then allowed his brother to contact the NDIA and advocate for much need services for our client. <p>Thoughts:</p> <ul style="list-style-type: none"> How was a plan created without taking into account his full disability – him being non-verbal? Was there ever a face to face appointment with our client?(It is very evident that he is non-verbal), if yes how was a nominee not appointed? Does NDIA have processes in place to ensure clients receive adequate services without relying on other supports to advocate on client's behalf? <p>The NDIS commission again does not seem to be adequately funded for its role and scope. We are concerned about providers who take advantage of clients, and face limited or no consequences. Or, for those who do face consequences, they can be back in business quickly despite past errors (or fraud or mis-representation), leaving others vulnerable to exploitation.</p>	