

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Local Area Coordinator Framework

Question reference number: NDIA IQ22-000003

Question asked by: Senator Hollie Hughes

Type of Question: Spoken. Hansard Page: 10

Date set by the Committee for the return of answer: 28 February 2022

Question:

Senator HUGHES: Is there any review of the LAC providers, with regard to those that seem to generate the highest number of reviews of plans, or challenges ending up in the AAT through particular LAC providers that are perhaps not as effective as others?

Mr Hoffman: In terms of the AAT, the technical answer would be that an AAT review is of a delegate decision, which is only within the agency. It's an agency decision, rather than a LAC action, that is at the AAT. Certainly, we have in our agreements with the LACs a performance and reporting framework. We give regular feedback to them in terms of their performance against that framework. I'd be happy to provide more detail about that on notice, if you wish, Senator.

Senator HUGHES: I would, and I'd be interested to know if there have been any LACs that have basically been told their services are no longer required because they generate excessive numbers of requests for review et cetera.

Mr Hoffman: We've had some LACs exit and change for a range of reasons. We have not terminated any LAC in that way.

Answer:

Partners in the Community (PITC or Partners) have a role in working with Participants to discuss plan goals and develop funded supports in a draft Participant plan, before assigning the draft plan to a NDIA delegate for decision. The NDIA delegate is responsible for plan approval. Further, an AAT review is of an NDIA decision made by a delegate.

The NDIA Outcomes Assurance Framework (Framework) is the performance management approach included in Partner agreements, which allows the NDIA to monitor, manage and support the performance of Partners.

Under the Framework, a risk-based approach is used to monitor and assess the performance of Partners across the following key measures:

1. Key Performance Indicators (KPIs)
2. Quality Plan Audits
3. Contract Assurance Activities

Partner KPIs focus on areas such as timeliness of connection and supports for Participants, customer satisfaction, development of plan goals relating to social and economic participation, and connections to mainstream and community supports.

Quality Plan Audits review the plans developed by Partners, covering areas including compliance, reviewing reasonable and necessary supports, and ensuring the key planning requirements have been met. Partners are required to have internal Quality Teams and the Agency provides feedback and works with this team on any quality issues.

The NDIA undertakes regular performance reviews of Partners delivering Local Area Coordination (LAC) and Early Childhood (EC) services, and provides feedback regarding their performance against the Framework.

Where performance improvement is required, the NDIA discusses and agrees with the Partner the required actions to support improved performance. Depending on the item raised, there is often relatively quick improvement once identified and raised with a Partner.

The NDIA has not terminated an agreement with a Partner due to the numbers of requests for reviews.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: AAT - legal fees

Question reference number: NDIA IQ22-000004

Question asked by: Senator Jordon Steele-John

Type of Question: Spoken. Hansard Page: 13

Date set by the Committee for the return of answer: 28 February 2022

Question:

Senator STEELE-JOHN: ...You referenced that obviously the question of cost is a factor that you consider in some of the decisions around cases before the AAT. Is that consideration process in any way formalised and, if not, who makes the judgement call there?

Mr Hoffman: I meant that in the context that, as with any costs that an agency incurs, we need to make sure that we are spending appropriately, effectively and efficiently. They are the PGPA requirements. So that's what I was referring to. The AAT works in a particular area of the agency, and ultimately, for external legal costs, the decision-maker there is the general counsel of the agency.

Senator STEELE-JOHN: Who is the general counsel? Remind me.

Mr Hoffman: Ms Christine Burke.

Senator STEELE-JOHN: So Ms Burke makes a call. Is it on a case-by-case basis in relation to cases, or are there rules that guide her decision-making?

Mr Hoffman: I was saying that she, as general counsel, has the responsibility and the delegation in respect of external legal costs, and so she has that obligation to ensure that we spend our agency moneys effectively and efficiently.

Senator STEELE-JOHN: Yes, absolutely. But are you aware of the process that Ms Burke actually goes through there? Is it a process of individually, case by case, determining whether the legal fees are appropriate in relation to those guidelines, or is there more of a framework, a policy or an agency guideline for that decision-making process?

Mr Hoffman: If I could take that question on notice, I can give you a formal answer setting out the way that works.

Answer:

The NDIA, in the financial management of legal costs and management of AAT cases, is required to comply with:

1. the *National Disability Insurance Scheme Act 2013*, and related Rules
2. the *Legal Services Directions 2017* and related guidance (which include the model litigant obligation and the requirements to manage litigation having regard to prospects of success and potential liability)
3. the Commonwealth resource management framework, which governs the use and management of public resources, the cornerstone of which is the *Public Governance, Performance and Accountability Act 2013*
4. applicable NDIA internal policies and procedures relevant to AAT matters.

Appropriate regard is also had to the facts of specific matters, internal or external legal advice provided, and the professional judgement of Agency personnel, applying their specialised knowledge, skills and experience.

The function of the AAT is to determine the correct or preferable decision for the purpose of section 43 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), “standing in the shoes” of the original decision-maker. Where a matter is settled by agreement, that outcome must be endorsed by the AAT on the same basis, exercising only the AAT’s powers and performing its functions under the AAT Act. The Agency has an obligation to assist the AAT to do that. In determining the correct or preferable decision, the commercial question of legal and associated fees is not a relevant consideration for the AAT.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Plan Reviews - AAT

Question reference number: NDIA IQ22-000005

Question asked by: Alicia Payne

Type of Question: Spoken. Hansard Page: 15

Date set by the Committee for the return of answer: 28 February 2022

Question:

Ms PAYNE: How many plans with a reduction in funding have had all or some of the supports restored at the AAT in the last 12 months?

Mr Hoffman: I will have to take that on notice. It will be difficult to track all the way through, but I understand the question and I will take that on notice.

Answer:

The NDIA does not hold structured data to respond to this question. The most recent Quarterly Reports contain data about the outcomes of AAT applications, which can be accessed here: www.ndis.gov.au/about-us/publications/quarterly-reports.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Plan Reviews

Question reference number: NDIA IQ22-000006

Question asked by: Alicia Payne

Type of Question: Spoken. Hansard Page: 15

Date set by the Committee for the return of answer: 28 February 2022

Question:

Ms PAYNE: In that case, how many plan reviews have resulted in a reduction of funding in the last quarter?

Mr Hoffman: Ms Johnson will have it to hand, but I need to get the right bit of paper in front of me.

Ms Johnson: I'm happy to start. In terms of the most recent results we have at hand, the published 30 September 2021 quarterly report indicated that, in the 12 months to 30 September 2021, 38 per cent of plans increased by more than five per cent, 38 per cent decreased by more than five per cent and 24 per cent stayed within five per cent. In the prior two years—so in the 12 months to 30 September 2020—55 per cent of plans increased at review by more than five per cent, 24 per cent decreased by more than five per cent and 21 per cent stayed within five per cent. The year before that, 56 per cent of plans increased at review by more than five per cent, 30 per cent decreased by more than five per cent and 14 per cent stayed within five per cent. So we have had plans increase and decrease, as would be expected, over the last three years.

Ms PAYNE: Would it be possible to table that comparison showing the trends for major areas of the scheme across each state and territory?

Ms Johnson: Yes, we can take that on notice. The report itself includes those things, but we would need to pull the data on each state and territory as well.

Answer:

The National Disability Insurance Scheme (NDIS) takes a lifetime approach, investing early in people with disability and children with developmental delay to improve their outcomes later in life. As an insurance based Scheme, the NDIS provides funding to support participants build capacity and increase inclusion over time.

As participants' outcomes change, plans may go up or down depending on an individual's changing disability-related needs. There are many factors that might result in a participant's plan value changing depending on what their support needs are and changes in life circumstance. The Scheme was designed to respond to these changes.

The below tables summarise the increases and decreases in plan budgets by State/Territory in the six months to 31 December 2021 as well as the three prior financial years.

Table 1. Plan budget change distribution (%), all states/territories, 1 July 2021 – 31 December 2021

	% of reviews within 5%	% of reviews with more than 5% reduction	% of reviews with more than 5% increase
ACT	27%	36%	37%
NSW	27%	35%	38%
NT	17%	51%	32%
QLD	33%	34%	33%
SA	24%	38%	38%
TAS	28%	33%	40%
VIC	29%	34%	37%
WA	29%	31%	41%
Total	28%	34%	37%

Table 2. Plan budget change distribution (%), all states/territories, 1 July 2020 – 30 June 2021

	% of reviews within 5%	% of reviews with more than 5% reduction	% of reviews with more than 5% increase
ACT	28%	31%	42%
NSW	24%	30%	46%
NT	20%	38%	42%
QLD	25%	34%	42%
SA	23%	30%	47%
TAS	21%	34%	45%
VIC	25%	30%	45%
WA	24%	31%	45%
Total	24%	31%	45%

Table 3. Plan budget change distribution (%), all states/territories, 1 July 2019 – 30 June 2020

	% of reviews within 5%	% of reviews with more than 5% reduction	% of reviews with more than 5% increase
ACT	16%	28%	56%
NSW	15%	24%	62%
NT	13%	22%	65%
QLD	18%	25%	57%
SA	19%	27%	55%
TAS	15%	25%	60%
VIC	16%	23%	61%
WA	14%	20%	66%
Total	16%	24%	60%

Table 4. Plan budget change distribution (%), all states/territories, 1 July 2018 – 30 December 2019

	% of reviews within 5%	% of reviews with more than 5% reduction	% of reviews with more than 5% increase
ACT	13%	37%	51%
NSW	14%	32%	54%
NT	13%	22%	66%
QLD	13%	26%	61%
SA	17%	29%	54%
TAS	13%	22%	65%
VIC	18%	25%	57%
WA	15%	23%	62%
Total	15%	29%	56%

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: NDIS Participants with Autism

Question reference number: NDIA IQ22-000007

Question asked by: Alicia Payne

Type of Question: Spoken. Hansard Page: 15

Date set by the Committee for the return of answer: 28 February 2022

Question:

Ms PAYNE: People with autism on the scheme make up the largest cohort by disability type. Are you currently looking at the plans of people with supports for autism as an area in which to reduce costs, and has the medium plan size for autism gone down in the last quarter?

Mr Hoffman: I'll take on notice the specific question about the median plan size over the last quarter, unless Ms Johnson has got it to hand. Again, we are not targeting any cohort, any age group or any area for reductions. We're continuing to make individual decisions on plan reviews, in accordance with the act and rules.

Ms Johnson: I can take on notice the specifics on autism. But, certainly, in the year to date, the median average cost per participant has increased.

Ms PAYNE: It would be good if you could take on notice the question about autism packages.

Answer:

For participants with autism, the average payment per participant was \$13,400 as at 31 December 2021, compared to \$12,100 as at 31 December 2020 and \$10,200 as at 31 December 2019.

For participants with autism, the median annualised plan budget was \$19,600 per participant as at 31 December 2021 and 31 December 2020, compared to \$17,400 as at 31 December 2019.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Rapid Antigen Tests

Question reference number: NDIA IQ22-000009

Question asked by: Senator Carol Brown

Type of Question: Spoken. Hansard Page: 16

Date set by the Committee for the return of answer: 28 February 2022

Question:

Senator CAROL BROWN: But, when we are talking about participants that still receive the supports and services, particularly those in supported independent living and other provider-supported accommodation, if they've used all their money and they've had significant RAT purchases, what's the process for them to receive a top-up, as you put it?

Dr Studdert: The participant can contact the agency and ask for a top-up of plan funds if, as Mr Hoffman said, they've expended all of their core budget and that extra capacity is needed for ongoing purchasing of rapid antigen tests.

Senator CAROL BROWN: So what's the process to request a top-up? It's not just a phone call, is it?

Mr Hoffman: Yes, it is—it's a phone call to the national contact centre and then, because we're not doing face-to-face planning in most cases now, for obvious reasons, that can be done over the phone.

Senator CAROL BROWN: So that's the entire process? I ring up and I say: 'I've used all my core support funding and I need a top-up of my funding,' and you'll just put it in, will you?

...

Senator CAROL BROWN: On notice, then, can I get proper detail about exactly what the process is? It's not simply a phone call. That's just to initiate the discussion about receiving extra funds.

Answer:

The Australian Government has commenced distributing Rapid Antigen Tests (RATs) to high risk residential disability care settings, with five million test kits to be delivered by June 2022. Supported independent living (SIL) providers will receive an allocation of tests to manage outbreaks and outbreak prevention. SIL Providers will distribute tests to participants and their workers as required. The cost of these rapid tests will not be deducted from participant plans.

Participants who don't have supported independent living funded in their NDIS plan can use their Core support budget to purchase RATs, if they need them to access their reasonable and necessary supports. Participants can also use their plan to purchase RATs for their support workers to make sure they can safely receive supports.

Participants who need to use their core budget to buy RATs, and who have exhausted their core supports, can call the National Contact Centre (NCC) on 1800 800 110 or contact the NDIA through the MyNDIS tab in the Participant Portal. The NCC phone line has an option to allow NDIS participants to indicate that they have a COVID-19 related enquiry. The request is escalated to a dedicated team who will complete an urgent agency-initiated plan review.

Requests for an urgent plan review to enable a participant to purchase rapid tests are prioritised and typically actioned within 2 days.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Co-Design Update

Question reference number: NDIA IQ22-000010

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Please provide an update on the NDIA's work to put in place co-design processes, and any other work the agency has progressed since late last year.

Answer:

After receiving feedback from the disability community and the NDIS Independent Advisory Council (Council) in mid-2021, the NDIA has been working closely with stakeholders to strengthen engagement processes and introduce co-design.

Since October 2021, the Agency has established and held 6 Co-design Advisory Group meetings seeking feedback on the workshop's recommended 'learn by doing' co-design approach. The Agency has also sought feedback from the Council and the 27 Disability Representative and Carer Organisations (DRCOs) on the NDIA's new Engagement Framework. The NDIS Engagement Framework outlines how the Agency plans, designs, sequences, delivers and evaluates stronger, authentic engagement with the disability community. It will also include the priorities for co-design over the next 6 months in a roadmap of activities. The Agency intends to release the Engagement Framework by the end of March of 2022.

The Agency have engaged The Australian Centre for Social Innovation (TACSI) as subject matter experts to support the Agency's build-up of co-design capability; coach NDIA staff in the practice of co-design; and review and improve current processes of engagement.

The Agency has worked with the Co-design Advisory Group to identify the following priorities for co-design, which will commence in quarter one of 2022:

- Participant Safety
- Support for Decision Making
- Home and Living policy
- Information Gathering for Access and Planning as instructed by Disability Reform Ministers' in July 2021.

The Agency has sought nominations from the disability community and key stakeholders to join the Steering Committees to guide these initiatives.

In addition, the Agency has begun preparation and discovery work on the refresh of two cohort strategies, using co-design methodologies, to support Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse communities to engage with the NDIS. The Agency is also working closely with the DRCOs on ensuring they are appropriately remunerated to participate engagement and co-design activities.

The Agency is committed to working closely with participants, their families and carers and the wider disability community to deliver the best Scheme possible.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: NDIS Provider Fraud

Question reference number: NDIA IQ22-000012

Question asked by: Senator Carol Brown

Type of Question: Written.

Date set by the Committee for the return of answer: 28 February 2022

Question:

How much is estimated to be currently lost in the scheme due to provider fraud? How is this monitored?

How is fraud generally perpetrated by providers (in general terms), which participants are usually victims of provider fraud, and how is it being combatted?

Answer:

As at 31 December 2021, five matters of actual fraud had been proven through successful prosecution, totalling over \$2.5 million and the value of Scheme payments under investigation was \$124.5 million.

The NDIA uses a range of strategies to detect fraud including data analytics and information received through tip-offs.

The majority of fraud committed by providers involves claiming for services not provided.

Other fraudulent activity includes:

- unlawfully obtaining and using NDIA information or restricted data
- providing false or misleading information
- using fake documents and invoices
- misusing funds
- theft
- unlawful disclosure of official information
- accounting fraud (e.g. false invoices, misappropriation)
- fraudulently claiming leave, travel and other entitlements
- misuse of assets, equipment or other facilities.

The NDIA applies different treatment strategies to manage the risk of fraud or payment non-compliance including education, self-correction, desk-based reviews, or investigations for more serious matters.

The Agency's Fraud Strategy Statement and Compliance and Enforcement Framework further outlines the principles adopted by the NDIA toward compliance and enforcement. These can be accessed at: www.ndis.gov.au/about-us/fraud-and-non-compliance/fraud-strategy-statement.

In July 2021, the Minister for the NDIS, Senator the Hon Linda Reynolds CSC, announced the NDIS Fraud Taskforce was to be extended indefinitely to protect the integrity of the Scheme and the participants it supports. The NDIS Fraud Taskforce is a multi-agency partnership between the NDIA, the Australian Federal Police and Services Australia, with a focus on high risk and serious criminal activity targeting the NDIS.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Labour Hire Costs

Question reference number: NDIA IQ22-000014

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

How much was spent on labour hire staff in the last quarter?

Is labour hire spending compared with any alternative options - ie bringing staff in-house as permanent ongoing employees?

Answer:

The total spend for labour hire services from 1 October 2021 to 31 December 2021 was \$49.5 million.

The Agency manages its overall costs and staffing profile in accordance with the Budget appropriations, processes and related requirements of Government. The Agency utilises a mixed workforce of APS ongoing and non-ongoing, and labour hire contractors adjusting to meet business need. Overall staffing is increasing as the Scheme continues to grow.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Contractors

Question reference number: NDIA IQ22-000015

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

How much has been spent on contractors in the last quarter?

Answer:

Please refer to NDIA IQ22-000014.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: SES Staff

Question reference number: NDIA IQ22-000016

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

How many SES staff are not directly employed/are contractors?

How many SES staff engaged under contract arrangements' annual pay is currently higher than the relevant salary bracket set out in the APS enterprise agreement? By how much?

Which roles? How is this justified?

Answer:

The Agency's senior executives comprise:

- any official classified as either a Senior Executive Band 1, Band 2 or Band 3 under the Public Service Classification Rules 2000
- any official with a position equivalent to a Senior Executive Band 1, Band 2 or Band 3, including contractors and consultants prescribed as officials.

As at 28 February 2022, the NDIA senior executives included 13 officials with a position equivalent to a Senior Executive Band 1, Band 2 or Band 3, including contractors and consultants prescribed as officials.

SES APS staff are not employed under the APS enterprise agreement. All SES staff, including those engaged as contractors, are remunerated in accordance with the APSC SES Remuneration Management Policy.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Sustainability Action Taskforce

Question reference number: NDIA IQ22-000017

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Is it correct that the Sustainability Action Taskforce has been disbanded?

If yes - when was the taskforce disbanded and why?

What work had been completed by the Taskforce?

What other measures are now being used to create savings across the scheme? Is there a new taskforce or other directive across the agency that has since been introduced?

Answer:

The Sustainability Action Taskforce (SAT) finished in June 2021. The SAT's objectives were to review Agency processes and guidance to ensure they complied with the *National Disability Insurance Act 2013* (NDIS Act) and the Agency's obligations to operate the Scheme sustainably and responsibly under the NDIS Act and *Public Governance, Performance and Accountability Act 2013*. The SAT completed this work in 2021.

The NDIA does not have a taskforce or directive to 'create savings'. The NDIA undertakes a range of measures to ensure all its activities have regard to the need to ensure the financial sustainability of the Scheme, as required under s4.17(a) of the NDIS Act. Further detail is in the following documents:

- NDIS Quarterly Reports to Ministers – www.ndis.gov.au/about-us/publications/quarterly-reports
- NDIS Insurance Principles and Financial Sustainability Manual – www.ndis.gov.au/media/833/download
- NDIA Annual Reports – <https://www.ndis.gov.au/about-us/publications/annual-report>
- Annual Financial Sustainability Reports – www.ndis.gov.au/about-us/publications/annual-financial-sustainability-reports.

The Government committed a further \$26B to the Scheme in the 2021 MYEFO bringing total forecast expenditure over the four years to 2024-25 to \$142B.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Scheme Sustainability

Question reference number: NDIA IQ22-000019

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

What is the current workplan or target for reducing costs? Could documents relating to these objectives be tabled.

Answer:

Refer to IQ22-000017.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Rapid Antigen Tests

Question reference number: NDIA IQ22-000020

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

For people who are immunocompromised, the costs of RATs could be very high. Does the Agency have any plans to automatically adjust plans in these circumstances?

Answer:

Please refer to NDIA IQ22-000009.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Rapid Antigen Tests - children

Question reference number: NDIA IQ22-000021

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Second, as RATs can only be purchased out of core funds, children who are only in receipt of capacity building funding or early intervention cannot purchase RATs from their NDIS funds. Many of these children are immunocompromised and their therapists will be seeing many other children and could easily become infected. What is the Agency doing to address this issue?

Answer:

The informal support provided by parents and carers, siblings and other family members is vitally important to children. Typically the supports provided to children for support with daily activities and community access is provided by family or carers. Some children also receive support from mainstream services such as childcare.

Some participants younger than 7 require a level of support with daily activities significantly beyond the level expected of family or carers. In these cases Core funded supports are included in plans based on the individual needs of the child and family. Children requiring this level of support will have Core funding in their plan to purchase Rapid Antigen Tests (RATs) as required, for example to test support workers delivering in-home personal care support.

The NDIA expects providers of capacity building supports to be best placed to manage COVID-19 risk in their interactions with children and families. Providers may also offer alternatives to home visits where appropriate.

Beyond this, RATs for children is typically a parental responsibility or are available through community and mainstream services for example the Department of Education in some states, if required for school.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: NDIS costs

Question reference number: NDIA IQ22-000022

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

The increase in the number of participants, beyond the forecast 460,000 participants is consistent with the NDIS Act, which envisaged that eligibility would be uncapped. However, the surge in AAT appeals suggests that the Agency is actively working to reduce plan costs. How does the number of plan appeals, AAT cases and federal court cases fit within the principle of not capping the NDIS?

Answer:

The NDIS is uncapped and demand driven, which means funding is provided based on the number of participants meeting the access requirements to enter the NDIS, and the reasonable and necessary supports they require as defined in the *National Disability Insurance Scheme Act 2013*.

The latest quarterly data released by the NDIA shows that payments continue to increase, with \$6.7 billion in payments made in Quarter 2 2020-21, compared to \$6.4 billion in the previous quarter.

Trends in average and median payments per participant between 1 January 2018 and 31 December 2021 indicate that average payments have increased by 11.5% per annum, and median payments have increased by 18.2% per annum.

Over the three year period to 31 December 2021, average plan budgets increased by 4.5% per annum for all participants, by 9.5% per annum for participants in SIL, and by 6.8% for participants not in SIL.

The Agency, in delivering the Scheme, has a statutory obligation in all its activities to have regard to ensuring the financial sustainability of the NDIS.

The NDIA respects the right of all participants to seek appeals of its decisions.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: NDIS costs - engagement

Question reference number: NDIA IQ22-000023

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Please provide more information on the development of the engagement approach to build community understanding of NDIS cost drivers and AFSR assumptions.

Answer:

The 2021 NDIS Annual Financial Sustainability Report (AFSR) was released in October 2021, along with the Peer Review report undertaken by the Australian Government Actuary, who is the Peer Review Actuary. An easy read version of the 2020-21 AFSR was released on 2 December 2021.

Following the release of this report, the Agency hosted a range of events to build awareness of the report and key findings relating to Scheme sustainability with stakeholders.

Specifically, the NDIA:

- hosted briefing sessions in October with the Independent Advisory Council (IAC) and 27 Disability Representative and Carer Organisations (DRCOs)
- held 4 small group workshops in November and December with IAC members and DRCOs. The workshops explained the cost drivers within the report and facilitated further discussion on areas of concern from the disability community. The workshops were also another opportunity to identify further areas of analysis and discussion.

A further workshop is planned to discuss the further areas of analysis requested by stakeholders in the workshops, to assist stakeholders in better understanding scheme cost drivers.

The NDIA will continue to publish information about scheme sustainability in quarterly reports to disability ministers, and in future AFSRs, including in easy read format.

Work is also underway through the Disability Reform Ministers' Meetings (DRMM) to further understand NDIS costs.

In August 2021, Disability Ministers directed work be undertaken to understand the cost drivers and the underpinning assumptions in the Scheme Actuary's Report. Independent actuarial firm, Taylor Fry, was commissioned to do this work. Taylor Fry's report including an Easy Read version was released publically on 28 January 2022. People with disability and their representatives will have the opportunity to discuss the report in early 2022 to inform further consideration by Ministers.

Copies of DRMM communiques are publically available at <https://www.dss.gov.au/our-responsibilities/disability-and-carers/programmes-services/government-international/disability-reform-council>

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Parents of Children with Disability

Question reference number: NDIA IQ22-000024

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Under the NDIA's "new approach", how much support is provided to parents to help them along the journey of grief after discovering that they have a child with a disability? These parents are often very vulnerable to providers offering very expensive therapies. Isn't it therefore in the interests of the NDIA to assist with this journey?

Answer:

It's important that families at the beginning of their journey into the disability sector are supported through a family-centred approach. The NDIA engages Early Childhood (EC) Partners to deliver the early childhood approach (formerly Early Childhood Early Intervention (ECEI)). EC Partners work closely with parents from the beginning of their journey with the NDIS, through family partnership conversations to gain an understanding of their individual situation and support needs. EC Partners assist families with information and connection to mainstream supports and services such as disability support groups, peak bodies and, importantly, connection to peer supports where required. Peer groups are a mechanism to promote connection amongst families, share information and positive visions for the future. Research shows that families value the support they receive from other families who are in the same situation.

The NDIA through the ECEI Implementation Reset is working to strengthen families and the early childhood sector understanding of best practice in early childhood intervention. Please see NDIA IQ22-000025 for further information about the Early Childhood Approach.

In addition to the supports available to children and parents under the early childhood approach, the Commonwealth Government funds the Carer Gateway service, an Australian Government initiative delivering in-person, online and phone-based support and services to unpaid carers.

Carer Gateway service providers deliver services free of charge to all carers no matter where they live in Australia. Services and support include:

- in-person and phone-based counselling
- in-person and online peer support
- emergency respite
- financial support through Carer Directed Support Packages
- online skills courses
- online self-guided coaching.

Carers can access the free services by calling 1800 422 737 or visiting carergateway.gov.au.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Early Childhood Approach

Question reference number: NDIA IQ22-000025

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Many parents perceive the NDIS medical models of early intervention as being delivered in clinical settings. However, best practice early intervention is delivered in every-day settings and involves therapist training parents, grandparents and early intervention providers in how to incorporate therapy into day-to-day activities. What is the NDIA doing to ensure best practice early intervention therapies in day-to-day settings becomes the norm?

Answer:

Children younger than 7 are an important cohort of the NDIS. To ensure a nationally consistent approach to support young children and their families, the NDIA engages Early Childhood (EC) Partners around Australia to deliver the early childhood approach (formerly early childhood early intervention (ECEI)).

EC Partners are appointed by the NDIA to assist families to understand their child's support needs and the potential role of the NDIS. EC Partners focus on delivering family-centred supports using a best-practice model.

Families have choice and control in regards to choice of service Provider and type of early intervention approach. However, the NDIA is actively working to support family informed choice and control in choosing a best practice Provider through additional planning support, enhanced information through health and mainstream environments and an improved plan implementation focus by our EC Partners.

The NDIA's early childhood approach is underpinned by the evidenced based National Guidelines – *Early Childhood Intervention Australia (ECIA) Best Practice in Early Childhood Intervention* with a commitment to support the delivery of best practice in early childhood intervention.

This is evidenced by the work underway through the NDIS ECEI Implementation Reset, captured in Recommendation 2:

‘Clearly and consistently, communicate the intent of the Early Childhood approach and the Agency’s support for best practice, so families understand how the approach informs positive outcomes for young children’.

The NDIA has progressed a number of actions to date in promoting best practice in early childhood intervention in natural settings, including:

- Providing implementation guidance for EC Partners to help them build capacity of families and carers to make informed choices about engaging best practice service providers.
- Publishing 2 external facing early childhood specific operational guidelines to explain how best practice helps get the best results for children younger than 7 and their families.
- Delivering additional training to EC Partners on communication with families about best practice, including a self-assessment tool to support their own delivery of supports.
- Roll out of the Provider report form, enabling Providers to evidence how they are delivering services in line with best practice principles and the outcomes that have been achieved.
- Developing a suite of parent tip sheets including information about best practice.

Additionally, as part of the ECEI Implementation Reset, further collaboration with the NDIS Quality and Safeguards Commission will help to enhance Provider application of the early childhood practice standards in their delivery of supports to children and families.

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: Market Stewardship

Question reference number: NDIA IQ22-000026

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

The NDIA plays an important role in market stewardship. We are now seeing huge shortages in the workforce, due to COVID. This is in addition to the already significant shortages in rural and regional Australia. People with disability and their families are having to use personal networks to find workers and there is no provider of last resort. What role does the NDIA see of itself as a market steward going forward and what analysis has it undertaken to gauge the impact of its decisions on the market and whether or not they are consistent with the objectives of the NDIS?

Answer:

The NDIA has a role, as market steward, to support an efficient and sustainable marketplace with a diverse and competitive range of suppliers that are able to meet the needs of participants by making structural changes created by a consumer-driven market. This role is shared, as outlined in the NDIS Market Roles and Responsibilities document, which details the role of all governments in supporting and developing the NDIS market and building a responsible and capable NDIS workforce that supports NDIS participants to meet their needs and achieve their goals. The NDIS Market Roles and Responsibilities document can be found here: <https://www.dss.gov.au/disability-and-carers-programs-services-government-international-disability-reform-council-reports-and-publications/ndis-market-roles-and-responsibilities>.

The approach taken by the NDIA to market stewardship, as well as data on and analysis of the Agency's progress, is contained in a number of publicly available documents. These include the NDIA Annual Reports, Corporate Plans, Quarterly Reports, Market Monitoring reports and other analyses which provide information on the progress of the Scheme and NDIS marketplace. These reports are available at <https://data.ndis.gov.au/> and the NDIS website.

The NDIA undertakes a range of activities as a market steward. Importantly, as part of a suite of activities and initiatives to support providers through the COVID-19 pandemic, the NDIA has established workforce support arrangements with a single provider delivering peer support services to the sector.

Support services are available to providers across the country that may be experiencing significant workforce disruptions to maintain and/or recover their services. This includes triage and assessment to prioritise workforce issues and response options, support to resolve issues and, where available, additional workforce support on the ground. The NDIS Commission is also providing COVID-19 workforce assistance through their 'New Worker-NDIS Induction Modules' that have been developed to support workers commencing their role during the pandemic.

More broadly, the NDIA implements market intervention projects nationally to help participants access quality supports. These market interventions are based on the Thin Markets Framework that was agreed by the then Disability Reform Council in December 2019. This includes:

- market facilitation (improving connections between providers and participants through targeted engagement and information)
- direct commissioning (directly purchasing disability supports on behalf of a group of participants)
- coordinated funding packages (pooling the funds and consolidating their collective buying power to achieve individual goals).

Further information on the NDIA's market interventions can be found here:

www.ndis.gov.au/community/research-and-evaluation/markets-and-innovations-our-research.

The Australian Government is also undertaking a range of activities to ensure there is a skilled and sustainable workforce to support the disability sector. These activities include promoting the benefits of working in the care and support sector, training and supporting the workforce, and reducing red tape. The NDIS National Workforce Plan, launched on 10 June 2021 by the Minister for the NDIS provides the framework for these activities. The initiatives in the Workforce Plan are designed to attract workers with suitable skills, values and attributes, while also improving existing workers' access to training and development opportunities.