



5<sup>th</sup> March 2021

# IDEAS submission to APH Joint Standing Committee on the NDIS – Independent Assessments

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## **Independent Assessments**

As part of the committee's role to inquire into the implementation, performance and governance of the National Disability Insurance Scheme (NDIS), the committee has decided to conduct an inquiry into independent assessments under the NDIS.

An independent assessment is an assessment of a person's functional capacity, which will be used to inform decisions about eligibility for the NDIS and about funding in a participant's plan. The National Disability Insurance Agency (NDIA) proposes to introduce independent assessments as part of the NDIS access and planning processes in 2021.

## **IDEAS SUBMISSION**

IDEAS, (Information on Disability Education and Awareness Services) has operated independent information services for more than 35 years for people with disability, their families, carers and supporters. 42% of staff live with or have close lived experience of disability. 85% of IDEAS board members live with disability or have close lived experience of disability. Our combined staff share 373 years of disability sector experience.

The distributive channels for IDEAS information has comprised:

- inreach via national free call phone line,
- webchat,
- e-mail,
- assertive outreach via community engagement events,
- expos,
- advocacy arm for individuals,
- bi-monthly newsletters
- e-news

## **Summary**

IDEAS notes that an intellectual and policy construct for independent assessments can be made for the NDIS as an additional tool to assist some intending participants who face other barriers to a streamlined 'entry' to the scheme.

Implementation of independent assessments as THE way to enter the scheme is likely to produce perverse outcomes. The prescribed testing tools about which not enough detail is known is likely to flatten any notion of context of the person and context of that person's life.

Our survey of all staff delivered the response that for CALD Australians the independent assessments might have sometimes good and sometimes poor outcomes for accessing the NDIS. This came with the corollary though that in terms of rights; why it shouldn't be assumed that people from CALD background shouldn't have individualised treatment anyway?

IDEAS has consulted across our organisation to provide comprehensive, diverse, and responses aligned by discipline from our staff to the proposed legislative changes for the NDIS on Independent Assessments.

These are the results from an internal survey conducted with our staff. They include people working in the support co-ordinating space, planning space access eligibility and navigation of the NDIS, community connectors, information and content creators, and database management officers, and people with an overview of the history of the scheme and its structures since the enabling legislation in 2013.

## IDEAS RESPONSE TO THE NDIS PLAN for INDEPENDENT ASSESSMENTS

### Reasonable and necessary and the plan?

The plan as it reads appears to ‘uncouple’ ‘reasonable and necessary supports’ from the individual’s plan itself. This has us concerned at the degree to which ‘reasonable and necessary’ supports can be legislated in the broad in a meaningful way which will deliver to the individual and his/her circumstances.

### Functioning tests blunt

The independent assessments which have been indicated through the pilot programmes are blunt and binary. For example, an interviewer using a test tool may ask a person with autism, or intellectual disability or dual disability, “can you dress yourself?” The available answers being yes or no. This will take no account of the ‘context’ of that person saying yes, they can dress themselves, (fact) but take no account of, can they dress themselves appropriately for weather, (safety) or age appropriateness, or occasion (work or social).

The independent assessments as outlined do not align the reasonable and necessary supports to a person’s plan. In fact they uncouple the plan from the process except on appeal where the onus on having the plan documented and done all falls to the person with disability.

### Gone Goals

Our staff are in complete unanimity that participant’s goals will be poorly served by the new system of independent assessments because there is no joined up process.

The **top deficits** itemised by our staff teams relating to the proposed system of independent assessments are:

- Reduction of fairness (even though that is supposedly the intent)
- Insufficient money in plans
- Inflexibility
- Reduction in catering to the individual,
- The tests and testers are not set up to understand or report the context of the functioning of a person’s life
- The safeguards are insufficient
- There is a baked in lack of transparency of process.
- Money comes first, then the plan, so where are the goals?
- Loss of person centred process

## **Implications for people with disability**

The implications of the proposed independent assessments are: that it is a harbinger of a whole of scheme change away from individual, and person centred practice, which will lead to poorer outcomes for people with disability, most especially those that are late entrants or slow coming into the scheme because of specific barriers which affect them. (e.g. homelessness or living in custody, or newly affected by stroke or acquired brain injuries and just settling into their rehabilitated new permanence)

The cohorts most adversely affected will be people from CALD backgrounds, people from ATSI backgrounds, older Australians, people who live with undiagnosed conditions, people with multiple disabilities, and people with psycho-social disabilities, and people at risk of homelessness.

## **What about the Tune review?**

The Tune Review clearly recommended extensive consultation prior to rolling out any independent assessment program. Importantly, the use of the word “willingness” suggests it was anticipated that participants had a choice in the matter. The proposed process does not give participants any choice in the matter and threatens them with loss of reasonable and necessary supports, or denial of access to the Scheme, if they do not comply.

## **Transparency to participants**

The opportunities to review the planned independent assessments are poor. Right now the proposal claims that the participant can receive a summary of the assessment, but not the whole document. Participants cannot appeal the Independent assessment.

## **When Free is not free**

Further if required the participant still may have to provide medical evidence from treating doctors, allied health professionals and other specialists at their own cost and expense and time in addition to the ‘FREE’ and “compulsory for most” independent assessments.

## **What the NDIS paper says (our underlines)**

The NDIS Consultation paper states at Par 3.8 : Access and Eligibility Policy with independent assessments states that “all applicants will be provided with both a summary of their independent assessment results and an explanation of the access

decision.” Guidance to help applicants understand their independent assessment results will also be provided.”

The NDIS Consultation paper states at 23.11: Access and Eligibility Policy with independent assessments states “Disagreeing with the results of an otherwise sound and robust independent assessment is not sufficient for the NDIA to fund another assessment. Applicants can only seek a second assessment where the assessment was not consistent with the independent assessment framework, or if the applicant has had a significant change to their functional capacity or circumstances.”

The NDIS Consultation paper at 3 3.11 states: Access and Eligibility Policy with independent assessments states “We are developing a quality assurance framework for the delivery of independent assessments.” This will ensure they meet the standards under relevant professional and regulatory frameworks.

IDEAS’ views are that the agency and her Minister are well down the path of introducing independent assessments without the Tune review recommendations being manifest in operation.

The NDIS paper on Independent Assessments is not written taking account of the Tune report which preceded it. There is little alignment in the co-design, consultation and Human Rights framework and objects in the existing Act.

### **As it stands, what to expect**

- Expect even more unreasonable pressure on advocacy organisations and poorer outcomes for people with disability.
- Expect the opprobrium of international rapporteurs.
- Expect more haves and have nots within the scheme.
- Expect more abuse and neglect in families of people with disability
- Expect higher rates of relinquishing by parents pushed to extremis.

At worst expect acute and chronic dysfunction of the scheme, with so called unintended consequences like those manifested in the Centrelink ‘debt collection’ scheme. Expect a long tail of effects, including trauma and anxiety which will be borne by people with disability themselves and their families, carers, and supporters.



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A circular orange speech bubble containing the text 'IDEAS does information so you can do life.' in a bold, sans-serif font.

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