



Committee Secretary  
Supported Independent Living  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

5 September 2019

Dear Sir / Madam,

**Submission to Joint Standing Committee on the  
NDIS inquiry into Supported Independent Living (SIL)**

Sylvanvale is very pleased to be making a submission to the Joint Standing Committee Inquiry into SIL because while it forms the backbone of our framework of supports, it is also transformational in the lives of people with disability. For instance it allows young adults to begin their journey to greater independence, a rite of passage for most Australian children. It also allows elderly parents who may have spent much of their lives caring for a child with disability to begin estate planning, and their transition to retirement which necessarily includes consideration of accommodation options for their child.

Calibrating the provision of SIL is not just about the numbers of participants who access it or the cost attributed to each, more importantly it is about the 'Goldilocks Principle' of providing just the right amount of support at the right time it's needed.

*Where does Sylvanvale fit in this equation?*

We began as a grass roots parent run organisation some 71 years ago when a group of Sutherland Shire parents came together because they had a mutual interest in better outcomes for their children. In this case it was educational outcomes for children with intellectual disability, with the parents starting a school. Though Sylvanvale no longer runs a school it does provide a range of services and supports for children and adults including an inclusive long day-care service.

While our heartland is in the Sutherland Shire our footprint extends across the Sydney basin and up into the Blue Mountains. We provide a range of supports for people with moderate to severe disabilities who may also have complex health or behavioural needs. Supports are delivered as requested by participants in the community, at home or at one of our sites including accommodation, therapy, community access, children's services and skills and capacity building supports.

*Do we think it is timely that there be an inquiry into SIL?*

'Yes' we do as participants, their families and not for profit organisations like ours are well into their NDIS journey and feel that the Goldilocks principle interpreted by the NDIA as 'choice and control' is not in place for SIL and has been replaced by economic and insurance based principles like opportunity cost and average spend across the Program.

We will briefly answer the questions proposed by the Inquiry as stated below:

***The approval process for access to SIL***

In a word our overall view of this process is 'fraught,' in that of the three main stakeholders in this sphere (the participant, the provider and the NDIA), the participant and their chosen provider cannot get their needs

met in a timely fashion. This is because the NDIA (known as the Agency) pursues an agenda of *delay* in order to limit the percentage of participants who access SIL, particularly SIL with SDA attached.

A SIL application can be *fast tracked* if a participant has SIL as a goal in their NDIS plan and has dollars approved. A provider can submit a quote to provide the support with these two planks in place, yet it can still take six to nine months to be approved. Once the quote is submitted you do not even receive an acknowledgement of receipt, and may hear nothing from the Agency for many months. The Agency provides no central contact points so providers forever chase multiple people, and the advent of the SIL taskforce (designed to streamline SIL approvals/declines) adds another layer of bureaucracy to be navigated.

If a participant does not have SIL in their NDIS plan then they need to be assessed for **SIL eligibility**. Part of this process is always to offer other supports first such as in-home supports, or community based supports. This assessment and provision of a first round of alternative supports can take six months and this would be deemed an 'expedited' process.

If someone requires a '**change of circumstance**' consideration for this generally means something significant has altered in their environment that requires a review of their current NDIS plan hence 'a change of circumstance.' If it is related to SIL usually the person does not have SIL as a goal in their plan with this lack being a primary indicator of a protracted process. For all participants, their families, carers/guardians this process will require either advocacy or agitation as the Agency appears to have adopted a tactic of ignoring such requests until there is external representation. Families may be told initially that they should have had the foresight to have SIL included in plans, or may have had it in a first plan only to have it removed in a second because it had 'not been used.' Sylvanvale has faced both these scenarios in plan reviews with participants.

The SIL process once underway can be stalled or de-railed by the presence or absence of the **Specialist Disability Accommodation (SDA)** component of funding. For example Sylvanvale accommodation sites all have a SDA component attached to them, so it is unviable for us to on-board participants who only have SIL funding. An application to be assessed for SDA funding can take up to 18 months with many assessors not understanding the Rules around SDA, with providers keeping the terms of the Bilateral to hand. SDA is portable so participants can take it with them if they move property, but Agency planners can also remove it which puts the tenancy at risk with a knock on risk of homelessness. Some Plan Nominees assisted by Support Coordinators are also using dollars allocated for clinical supports eg Speech pathology to pay for SDA related functional housing assessments.

Within the SIL approval process constant changes of staff in the Agency leads to a lack of knowledge transfer and results in protracted inconsistent decision making processes.

### **The Vacancy Management process including costs**

The single word describing this process is 'problematic' as there is no **central register** of vacancies. This elongates the process and makes it expensive as each provider promotes its own vacancies and undertakes an individualised matching process. Sylvanvale seeks leads in this space and if a participant has not previously lived in SIL there may be few documents that assist with the risk and needs assessment required as part of the on-boarding process. The upshot of this to manage risk is to offer participants a three month trial because of the lack of current and relevant assessments. If the placement is not successful for either party then the search must begin again for both.

Viability is also a major issue in this space for providers as they need to find a person that matches the vacancy and has the right amount of funding. The 90 day notice period required prior to exiting SIL also does not assist, in that NDIA processes delay the timely filling of vacancies and causes viability issues for providers as a consequence. Unlike SDA funding there is no funding of vacancies in SIL supports. The Agency's view is that when a five (5) person house becomes a four (4) person house, due to a participant

exit, the provider needs to change their “business model” to accommodate the lost funds. This notion is absurd in a situation where you have fixed costs and ratios of support such as overnight supports.

For families vacancy management means finding ‘just the right place’ for their person, and is yet another hurdle in the maze that is navigating the NDIS. Often parents or carers are overwhelmed with the planning process within the NDIS. Then to find that they have to sub navigate other channels such as SIL, SDA, and associated assessment processes renders them incapacitated and unable to search or make a decision.

Vacancy management lends itself to the concept of a central register, and the NDIS should facilitate this as part of market development or its e-marketplace.

### The Funding of SIL

The defining word here is ‘battle.’ The issue of funding community participation in SIL has not been resolved, there are ongoing issues around ratios of support, and there is a lack of guidance and clearly defined thresholds in this space. With regard to **ratios of support** the evidence required from providers and accepted by the Agency is a blunt instrument; the number of incidents. In essence the evidence to support ratios of support equates to how many times there has been a negative outcome for the participant. There appears to be no measure for when a participant makes progress towards achieving their goal (necessitating a requirement for maintenance of supports), other than to reduce supports. Further work needs to be undertaken with the sector around ratios of support.

The Agency seems to seek to cap the provision of individualised support within SIL and this limits the ability of staff to build a participant’s capacity when they are at home. With home generally recognised as the place where most skills of daily living are modelled, learned, and observed actually being done.

The Agency’s knowledge of the operating environment around the plethora of **Awards** in the disability sector has improved. Funding levels not aligned to the Award nor aligned to the level of training or skill attained by the worker yet required because of the complexity of those they support, potentially leads to inconsistent decision making which may have WHS implications particularly for accommodation sites.

There is also inconsistent decision making around what can be funded from **Core Supports** or from SIL within a plan and at what level. This can lead to a participant for example being funded at a viable level in SIL and not in core supports. This creates a dilemma for providers and families in terms of whether it is safe to support a person at the level offered, offer the required amount of support across a shortened time span or seek a plan review. The Agency seems to take a ‘black box’ approach to the funding of SIL with the published price guide serving to underline consistent SIL funding decisions.

### Other Related Issues

There are two related issues that Sylvanvale would like to raise. The first is that the Agency does not inform providers when it issues either a change of advice, or a change of process, and this is usually also not discernible on its website. Providers tend to stumble onto the change via an ‘error report’ meaning they can’t claim funding for supports delivered, or when they make a phone call asking why something has not progressed to be told they have made an error in the process.

The second is that the Agency refuses to correct the errors it makes in the production of its participant plans as a matter of course. This means when an error is discovered, someone (a provider or a family member) makes contact seeking to rectify it and is told an ‘unscheduled plan review’ is required. Both of these appear to be delaying tactics presumably in place to slow the expenditure of funds to equal Bilateral commitments, or because there are caps in place to prevent recruiting sufficient staff to undertake the volume of work.

Overall in regard to the provision of SIL within the NDIS there are four major pain points:



- Decision making is inconsistent;
- There are time delays (seemingly inbuilt) around decision making at all points in the system;
- There is no single point of contact for service providers; and
- Not for profit service providers generally seem to a position of awaiting back payments from the Agency potentially giving them cash flow issues and placing them in difficult reporting conditions with their Boards.

One final observation. It seems unlikely that anyone would seek to design and operationalise a social reform that has the potential to be so transformative in the lives of those it seeks to assist, (and those that assist them) only to render these people mere props within the system, able to be moved around, or ignored at will by Government and the Agency.

It seems that a basic tenet of any insurance scheme *Uberrimae Fidei* (to act in good faith) is missing. The Government and its agent the National Disability Insurance Agency must, as a matter of urgency seek to restore faith in the National Disability Insurance Scheme, as we the not for profit sector must continue to respond to them as we have done since the Scheme's inception in good faith.

Yours faithfully,

**Leanne Fretten**  
Chief Executive Officer

**AFFILIATED SERVICES**