



Issue: Joint Standing Committee on the National Disability Insurance Scheme – Parliamentary Inquiries into NDIS Planning and Supported Independent Living

The Joint Standing Committee on the National Disability Insurance Scheme (the Committee) is undertaking three inquiries into the implementation, performance and governance of the National Disability Insurance Scheme (NDIS).

The Committee is inquiring into NDIS planning, with particular reference to:

- a. the experience, expertise and qualification of planners
- b. the ability of planners to understand and address complex needs
- c. the ongoing training and professional development of planners
- d. the overall number of planners relative to the demand for plans
- e. participant involvement in planning processes and the efficacy of introducing draft plans
- f. the incidence, severity and impact of plan gaps
- g. the reassessment process, including the incidence and impact of funding changes
- h. the review process and means to streamline it
- i. the incidence of appeals to the AAT and possible measures to reduce the number
- j. the circumstances in which plans could be automatically rolled over
- k. the circumstances in which longer plans could be introduced
- l. the adequacy of the planning process for rural and regional participants, and
- m. any other related matters.

In addition, the Committee is inquiring into Supported Independent Living (SIL), with particular reference to:

- a. the approval process for access to SIL
- b. the vacancy management process, including its management and costs
- c. the funding of SIL, and
- d. any related issues.

An ongoing inquiry, which will report after 30 June each year, is accepting submissions on general issues relating to the implementation, performance and governance of the NDIS.

Submission – Western Australian Department of Communities

1. NDIS planning

- a. The experience, expertise and qualification of planners:
 - The Department of Communities (Communities) recognises that a stable NDIS workforce is necessary to build the expertise and experience of planners.
- b. The ability of planners to understand and address complex needs:
 - Communities recommends that participants with complex support needs are catered for through models that provide a coordinated approach combining service delivery, collaboration and capacity building of planners and Local Area Coordinators (LAC).
 - Better information sharing between Communities and the National Disability Insurance Agency (NDIA) can support planners in addressing complex needs during pre-planning and planning. Identifying people with complex support needs and making information available about their plans would improve coordination between mainstream State Government agencies and the NDIS. This interface is

integral to the effective implementation of the Applied Principles and Tables of Support (APTOS) for streamlined service delivery across agencies and sectors.

- The capability of planners is essential in meeting participant needs and ensuring consistency in planning decisions. This includes a clear understanding of the APTOS and how mainstream and informal supports interface with a participant's funded supports at an operational level.
 - Communities welcomes the Disability Reform Council's (DRC) endorsement of disability-related health supports which, from 1 October 2019, may be included in some participants' NDIS plans. Training, resources and practice guidance for planners will be vital to support people with complex needs through planning decisions about disability-related health supports.
- c. The ongoing training and professional development of planners:
- Western Australia (WA) has particular characteristics that present challenges when planning and delivering services. These include the state's geographical size, fluctuating regional populations and the diversity of demographic and service system profiles across regions. There are further challenges in remote and very remote areas and where there is a need for culturally appropriate services, particularly for Aboriginal people with disability.
 - It is recommended that training and guidance for planners builds localised knowledge and skills in adapting practices to unique local settings and cohorts, leveraging existing networks and services where possible.
- d. The overall number of planners relative to the demand for plans:
- The recent increase in the number of planners is welcome, given the delayed NDIS transfer timeline in WA and approximately 50,000 Western Australian participants anticipated by 2022-23. With staffing increases remaining capped, workforce capacity remains a concern.
 - LAC Partners in the Community (PiTC) have recently commenced in WA. It is yet to be seen whether this will meet the demand for timely and high-quality plans. Many regional areas of WA do not currently have PiTCs.
- e. Participant involvement in planning processes and the efficacy of introducing draft plans:
- Communities has identified important aspects that assist the planning process, including:
 - timely planning meetings
 - appropriate and accessible meeting venues
 - the inclusion of funding amounts for supports in draft plans, and
 - clear information about the planning process to encourage participant readiness.
 - Involvement in the planning process is crucial to ensuring participants are not disadvantaged in the transition to the NDIS. A person-centred approach supports participant involvement.
 - Face to face meetings identified in the NDIS pathway reforms, are recommended.
 - It is also recommended that planners consider whether participants wish to include other agencies and advocates in planning meetings. For example, Communities' Local Coordinators often have in-depth knowledge of an individual's situation, which may be useful in the planning process.
- f. The incidence, severity and impact of plan gaps:
- Communities recommends preventing gaps between plans by ensuring continuity of funded supports for participants throughout the planning and review process.
 - The administrative processes and communication with participants should be well coordinated to maintain streamlined services. For example, proactively informing participants that a plan has been approved, including the commencement date.

- g. The reassessment process, including the incidence and impact of funding changes:
 - A timely reassessment process is essential to ensure participants are not experiencing delays in the funding of reasonable and necessary supports.
- h. The review process and means to streamline it:
 - In WA, there is a high demand for advocacy services due to the number of people requesting assistance for NDIS matters and the complexity of issues involved.
 - The WA State Government has provided additional funding for advocacy to address the increasing demand for such services.
 - To support participants understanding of the review process, Communities recommends that the NDIA assist participants to access relevant information and education about the NDIS. This may include ongoing communication and support, as well as 'point of need' information to participants and families.
 - As the PiTCs roll out in WA, it is anticipated that support for the review process may be streamlined through individuals' local connections with LACs.
 - Communication and information sharing with providers is also important. For example, communication with all the participant's providers may prevent disruption when a plan is reviewed to change only selected supports.
 - Strategies to streamline the review process should be included in the upcoming review of the NDIS legislation that will inform the NDIS Participant Service Guarantee.
- i. The incidence of appeals to the AAT and possible measures to reduce the number:
 - Communities proposes strengthening informal and formal advocacy supports through resourcing to build systemic capacity in the sector and awareness raising in the community, particularly for remote areas in WA. Continued Commonwealth Government funding of specialised NDIS advocacy services and Legal Aid will be an important element in achieving this.
- j. The circumstances in which plans could be automatically rolled over:
 - It may be appropriate for a plan to be rolled over where a participant's health, well-being and home environment are stable, and they are satisfied with the existing plan.
- k. The circumstances in which longer plans could be introduced:
 - When a participant is in a stable situation and is satisfied with the supports in place, longer plans could be viable. For example, this may be appropriate where the plan states broad goals for daily functioning and the participant is aware that an unscheduled plan review can be requested.
- l. The adequacy of the planning process for rural and regional participants:
 - WA contributed to the NDIS Thin Markets Project, which will report on strategies to address thin market issues in rural and regional areas. WA is particularly interested in approaches to planning and service delivery in NDIS markets in remote parts of the State.
 - The planning process in rural, regional and remote areas in WA is reliant on timely access to planners and local providers, including plan managers.
- m. Any other related matters:
 - Options for flexibility at a local level should be explored to support operational requirements and coordination to meet participants' needs. This may include improved processes for sharing information between agencies, and linkages with local NDIA officers in WA.
 - Improved planner expertise in understanding assistive technology may streamline planning and approval processes involving these supports and allow participants to have their needs met more quickly.

- It is also recommended that the inquiry consider engagement with hard to reach participants and plan utilisation rates as an indicator that NDIS funded supports are being used effectively.
- The NDIS should be characterised by a commitment to the rights of people with disability, including being fully informed about decision-making processes that affect their lives. It is important that sufficient information is provided so that participants can understand and come to terms with the reasons for decisions and to have the opportunity to provide clarifying information and correct errors or omissions. Currently, little or no information is provided when supports are not approved. To improve procedural fairness, it is recommended that the NDIA provides information to participants, when supports and services are not considered 'reasonable and necessary' and not funded in plans.

2. Supported Independent Living

a. The approval process for access to SIL:

- The SIL process is complex and involved and may be perceived as an impost by providers.

b. The vacancy management process, including its management and costs:

- While offering greater choice and control for participants in shared living arrangements, there is a need to understand the impact of the NDIS vacancy management funding model on people living in Specialist Disability Accommodation (SDA) and on SIL providers in WA. Communities is contributing to collaborative work through the DRC's Senior Officials Working Group to progress improvements in vacancy management.

c. The funding of SIL:

- Faster notification of approvals for SIL funding would be beneficial. For example, proactively alerting participants and providers in addition to information available through the NDIS portal.

d. Any related issues:

- In WA, Individual Living Options (ILO) has been shown to be a cost-effective and flexible alternative for people with disability who have low to medium support needs, as it provides opportunities for independence in the home and community settings. In most cases, additional supports can be provided to individuals in ILO through shared staff costs.
- Communities recommends streamlining the SIL process and providing clearer information about the SIL Tool to planners to ensure timely quotation and approval processes.
- The inquiry should consider additional measures to support participants and their families to understand the SIL process and outcomes, so that they are not reliant on providers for explanations.
- SIL delivery is financially more attractive than SDA, which may function as a disincentive to register as an SDA provider. There is a risk that the current SIL arrangements may contribute to distorted or perverse outcomes, particularly in regards to SDA market development and participant choice and control.
- By registering as an SDA provider, organisations delivering both SDA and SIL are required to open their properties to potential competition from other SIL providers. Further enquiry is needed into whether joint providers may terminate an accommodation agreement with a participant based on a decision by that participant to use an alternative SIL provider. This raises questions in relation the broad objective of choice and control, the operation of the SDA and the interaction with Australian consumer law. Consideration should also be given to the interaction of relevant State and Territory tenancy legislation.

3. General issues

- At this time, there has been no NDIA Market Position Statement released for WA.
- There is a need to clarify the role of the State in service provision in the transition to the NDIS, in particular in regional and remote areas. There is also a need for greater clarity regarding provider of last resort arrangements. This would likely be enhanced by a 'Provider of Last Resort Policy' statement from the NDIA.
- Key to this will be working with the NDIA to identify service gaps; manage transitional and ongoing thin market risks; and developing agreed strategies to support market development. Communities would encourage exploration of alternative and/or tailored models for service delivery and funding, in parallel with the broader NDIS market-led approach.
- In WA, Communities currently provides (and has historically provided) consultancy and skills development for professionals working in the disability sector, particularly in working with individuals who have complex support needs. In its role as the market steward, the NDIA's resourcing for sector capability to support market readiness and sustainability should be a consideration for the future.
- While Communities recognises the sensitivity of data sharing arrangements, State Government agencies recommend better alignment in information sharing processes to ensure that participant needs are met through coordinated processes, particularly in maintaining critical supports. The effective data exchange between the State and the NDIA and the utility of actuarial information will assist in the transition to the Australia-wide NDIS.
- Timely provision of information and assistance to access the NDIS is a key priority for WA. Greater clarity is required in defining the roles and responsibilities of State and Commonwealth Government agencies in providing information and supports for participant readiness and resources for clinician referrers.
- The interface between the NDIS and State Government services has highlighted the needs of people with disability who will not meet the residence requirements of the NDIS. Although a relatively small group, they are likely to experience multiple disadvantages and barriers to accessing other Commonwealth and State Government services and supports. WA encourages multi-lateral exploration of potential models of support for vulnerable people with disability who are ineligible for the NDIS.
- Communities supports the development of nationally consistent guidance materials for decisions about system responsibility, including disability-related health supports. In situations where supports remain the responsibility of mainstream systems or are to be provided concurrently, it is important that participants are provided with clear information and are supported to navigate between service systems.
- People with psychosocial disability are not accessing the NDIS at the predicted rates: this underutilisation needs to be addressed urgently. Key agencies in WA support the strategies within the proposed NDIS psychosocial disability framework and the implementation of a recovery approach.