



Samaritans

Compassion Integrity Justice



Joint Standing Committee on the National Disability Insurance Scheme Inquiry into NDIS Planning

Prepared by Samaritans Foundation

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Introduction

Samaritans is an NDIS registered charity which has been operating disability services for 35 years. In the 2018 financial year, Samaritans provided a range of services to nearly 1000 people with disabilities in Newcastle, the Hunter, Central Coast and Mid-North Coast of NSW. As such, the organisation has extensive experience working with people at all stages of their plans and with the delivery of services under those plans.

Samaritans response to this inquiry represents the experiences of our staff in relation to NDIS Planning and their reflections on the challenges experienced during the planning process and the impacts on the people we support.

Planners

Samaritans observes significant inconsistency between Planners in terms of their expertise, understanding and skills. This often results in:

- tools and guidelines being applied differently for different people,
- significant time periods for negotiation and review,
- delays in plans being approved, and
- final plans regularly falling short of the true needs of the person, particularly for people with complex support needs.

Participants with complex needs often face additional difficulty working with Planners. Samaritans has experienced this recently with one individual we support whose plan took 3 years to be developed and approved, and the final plan still falls short of meeting their needs.

There are several challenges that Samaritans witnesses in the current planning processes including:

- It can be difficult for a participant to provide evidence as to how complex their needs are. Asking someone to quantify their disability with data is challenging and comes from a deficit position rather than a strengths-based position.

Restrictive Practices Authorisation in NSW

- There is not enough direction or guidance offered around what evidence is suitable.
- The generally low knowledge and understanding of Planners around complex needs results in delays in development and approval of the plans as they must be negotiated and modified, often multiple times.
- The Reasonable and Necessary test is suitable only when Planners have the expertise to recognise individual needs and understand the implications of complex and multiple disabilities.

Recommendations

1. Provide additional education for Planners to improve base understanding of disabilities and respect for individuality of each person.
2. Modify planning process to focus on strengths-based perspective, rather than asking people to prove how “bad” their disability is.

Participant Involvement in Planning

Participant involvement in planning could be improved by offering flexibility for planning meetings to occur at different locations. They currently occur in an NDIA office which isn't always the most suitable or comfortable option for the Participant. Allowing Participants to hold the meetings in their own home offers a level of comfort for them and provides some context for the Planner to understand the environment a person is living in and how they interact with it.

Some plans are completed without the Planner meeting the Participant at all, limiting the understanding the Planner can have of the persons individuality and needs.

Recommendations

3. Allow and encourage flexibility for planning meetings to be held in alternative locations that increase comfort and ease for Participants.

4. Ensure that where possible Planners always meet with Participants during the planning process. Where not possible, a suitable process is undertaken by the Planner to collaborate with the Participant and familiarise themselves with the Participant's needs and lifestyle.

Plan Gaps and Plan Reviews

There are significant inefficiencies and issues in current processes for addressing gaps in plans. Some of these include:

- No response following the submission of a Change of Circumstance beyond acknowledgement.
- If the change is not accepted, no notification is provided which creates issues in the delivery of services to the participant and delays the request for review of reviewable decision.
- No notification when a plan ends or changes are made, which results in services being provided that do not align to the plan and subsequent issues with claiming and adjustments.

Samaritans is currently working to address plan gaps with a person we support which has been ongoing since May 2019. The Agency response recommended that Samaritans increased supports to the participant utilising existing funding. However, this means the participant will run out of funding before the end of their plan, resulting in Samaritans providing support unfunded, or the Participant having no support. This is not an uncommon issue. There needs to be a more flexible approach to the review process that gives participants greater ability to negotiate based on their lifestyle, needs and experience with their existing plan.

The Administrative Appeals Tribunal (AAT) have overturned many decisions made by the NDIA, demonstrating issues in the NDIA's processes. A thorough review of the AAT decisions would offer guidance to the NDIA on the changes required in their decision making, education of planners and handling of particular matters. Strengthening of the NDIS Quality and Safeguards Commission (QSC) powers to enforce their recommendations relating to adequacy of Participant plans should be further considered.

Restrictive Practices Authorisation in NSW

The rollover of plans should be an available option for Participants. This would improve consistency and provide certainty for Participants, as well as freeing up NDIA resources to respond to reviews and address plan gaps. As an alternative review mechanism, providers in consultation with Participants should complete an end of plan report at rollover. This might identify achievements, ongoing priorities and considerations for future reviews. Similarly, longer plans for certain participants would be appropriate and practical.

Recommendations

5. Improve feedback mechanisms to ensure that plan reviews, changes to plans, and decisions on Change of Circumstances are communicated quickly.
6. NDIA conducts a review of internal decision-making processes to improve outcomes for Participants and reduce applications to AAT.
7. Develop and implement guidelines for extended plan timeframes and plan rollover that allow participants to maintain consistency in their plans where changes are not required.
8. Consider development and implementation of guidelines that capture achievements and priorities periodically under extended timeframe plans or rollover plans.

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