

## Independent Advisory Council Meeting Bulletin 22 November 2021

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The Independent Advisory Council (Council) to the National Disability Insurance Scheme (NDIS) brings the participant's voice to the heart of the NDIS. The Council gives independent advice to the National Disability Insurance Agency (NDIA) Board, as part of the *NDIS Act 2013*.

This Bulletin summarises Council's 22 November 2021 meeting, chaired by Robyn Kruk AO, Principal Member, and co-chaired by Leah Van Poppel, Deputy Chair.

Martin Hoffman, NDIA Chief Executive Officer (CEO) also attended the meeting with:

- Council Members
- Council Expert Adviser
- NDIA Representatives; and
- Council Secretariat.

### From Council's Principal Member & Deputy Chair

The Principal Member noted the continued increase in out of session work for Council and its Reference Groups. Council will survey members to make sure out of session work matches their expertise and interests.

The Principal Member noted Judy Huett will step down as Council member in December. Judy has decided to not renew her term, but will continue to be a part of the Intellectual Disability Reference Group.

The Deputy Chair noted that co-design meetings continue as part of the NDIA's [next steps for co-design](#). The co-design advisory group is:

- completing its terms of reference
- considering the priorities for co-design and the co-design roadmap.

### From the NDIA CEO

The NDIA CEO noted that [changes to the NDIS Act](#) to legislate the Participant Service Guarantee were introduced to the Australian Parliament on 28 October 2021. Changes to the NDIS Act are now subject to parliamentary processes before becoming law.

The CEO discussed the upcoming release of [Australia's National Disability Strategy 2021-31](#), and the involvement of Agency and Council in its development.

The CEO said upcoming NDIA Board meetings will mark the end or term for both Board Chair Helen Nugent AO and Board Member Robyn Kruk AO. The CEO noted their significant contributions to the Board.

The upcoming [Disability Reform Ministers' Meetings](#) will allow for discussions about NDIS' financial position, including state and territory Governments' consideration of the [Annual Financial Sustainability Report \(AFSR\)](#).

## Council Members' community reports

Council Members and the Expert Adviser reported on matters for the Agency's attention, on behalf of people with disability in their communities, including:

- Continued challenges with delays in plan reviews because of the impact of the COVID-19 pandemic and lockdowns.
- Optimism that the Australian Parliament will pass the NDIS Bill, and positive community sentiment and approval for the proposed Bill.
- Positive feedback about the [National Community Connector Program](#) and results of the program may help the work of the Equity and Inclusion Reference Group.
- Concern that the [Market Engagement: Partners in the Community paper](#) does not include the Early Childhood Early Intervention (ECEI) reset as a focus for Early Childhood Partners.
- Service providers want to understand how the NDIA manages participants unvaccinated for COVID-19, acknowledging the NDIA's role to support, not mandate, vaccines for participants.
- Positive feedback about [Victorian Government's Disability Liaison Officers](#) that help people with a disability to access health services, including COVID-19 vaccinations.
- Reports of reductions around behaviour supports and 'reasonable and necessary' challenges around parental responsibility.
- Continued challenges around accurate information from NDIA on NDIS supports for participants who are awaiting hospital discharge.
- Some children with NDIS plans need to apply for 'assistance with social and community participation', following the removal of 'out of school hours care' from state and territory government services.
- Ongoing issues about home and living supports provided by the NDIS and states and territories, acknowledging that progress is being made on short-term pain points, including Individualised Living Options.
- Challenges around NDIS plan reviews, decisions and builds, with participants without coordinated supports missing out on mainstream services.
- Some communities do not know enough about Justice Liaison Officers and the NDIS/justice interface that supports prison entry, discharge, and community transition.
- Continued low employment rates for people with disability and general disability workforce issues.
- While the [National Disability Data Asset](#) helps the Commonwealth and states and territories develop a national disability data set, linking data is very slow.
- Reports that older people with disabilities struggle to pay for support therapies from different systems. Noting that the [Disability Support for Older Australians Program](#) supports older people, who are not eligible for the NDIS, get disability services.

## Update about Council Reference Group work

Council Reference Groups Co-Chairs noted recent meetings included high levels of engagement from members, wide-ranging discussions and positive contributions about how to progress priority work.

Co-Chairs gave updates on meetings held for the:

- [Home and Living Reference Group](#)
- [Children, Young People and Families Reference Group](#)
- [Intellectual Disability Reference Group](#).

Ahead of its official meeting on 6 December 2021, the Equity and Inclusion Reference Group has convened meetings with leaders from Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse and LGBTIQ+ communities. These meetings will inform its advice and priorities.

## Update from the NDIS Quarterly Report

Sarah Johnson, Scheme Actuary, NDIA, updated Council on outcomes and data highlights from the [NDIS Quarterly Report to disability ministers Q1 2021-22](#), from 1 July to 30 September 2021. The Scheme Actuary noted the NDIA's [recent request for tender for a Point of Support system](#), which will lead to improvements in the way participants make claims, and how providers get paid. The Scheme Actuary will arrange a meeting with Council about the upcoming release of the Outcomes Framework. She noted that the NDIA will release the AFSR in Easy Read version soon.

Council Members asked for further information about:

- community inclusion and participation outcomes
- the number of participants requesting plan reviews
- older women with Autism, entering the Scheme later in life
- overall costs of supported independent living
- young people in residential aged care, including home and living support pathways taken by young people who exit residential aged care
- linking plan utilisation with plan variation
- insights around changes to service providers.

Members noted:

- that while there are increasing reports from their communities that participants are experiencing funding reductions, the Quarterly Report shows that aggregate data for plans are constant, acknowledging there is variation across individual plans.
- the substantial cost of plan managers to the NDIS, as well as the regulation and quality of the plan manager market.

## Update on the Participant Safety Policy

Dr Sam Bennett, General Manager of Policy, Advice and Research, NDIA, and Erin Ingham, Director, Agency Policy Branch, NDIA, discussed the planned Participant Safety Policy.

They noted that the policy was in response to Council's advice '[Choice and control to safely live a good life of belonging and citizenship](#)'. The policy will be informed by other evidenced-based research and is a part of the NDIA's co-design roadmap.

Council members gave their feedback on the scope of the policy, including the need to:

- properly define safety and dignity of risk for people with disability, especially those from diverse cultures
- empower people with disability to make decisions for themselves to feel safe
- ensure people's rights are not affected by the policy
- properly consider nominees that have not had an adequate risk assessment
- include safety risks to children in care or young people in kinship care
- consider the impact of plan review decisions
- balance safety with the need to be included in the community
- consider people with disability who have children
- include carers, family members and providers as stakeholders in this process.

### **More information on the Council**

The Council's last meeting for 2021 will be on 16 December. Find out more about Council meetings at the [Council's website meeting page \(external\)](#). You can access advice from the [Council's website advice page \(external\)](#).

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