

## Independent Advisory Council Meeting Bulletin 26 April 2022

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This Bulletin summarises the recent meeting of the Independent Advisory Council (Council) to the National Disability Insurance Scheme (NDIS). Leah Van Poppel, who is Council's Principal Member, chaired the meeting held on 26 April 2022.

### From Council's Principal Member

The Principal Member acknowledged Council's deep commitment and thoughtful work to draft its Formal Advice, *'Equity in the NDIS: improving access and outcomes for diverse communities'*.

She also thanked members that have worked with the National Disability Insurance Agency (NDIA) to guide work on early childhood, Supported Independent Living (SIL), and Specialist Disability Accommodation (SDA).

### From the NDIA Board Chairman & NDIA CEO

Dr Denis Napthine AO, NDIA Board Chairman, acknowledged the NDIA's work to date to deliver the NDIS. He stressed Council's fundamental role in the growth and development of the NDIS.

Dr Napthine will work closely with the disability community and other stakeholders to ensure the NDIS delivers the best outcomes for people with disability. In particular, he noted current opportunities to improve employment access and outcomes for people with disability.

Martin Hoffman, NDIA Chief Executive Officer (CEO), said NDIS operational improvements and priority co-design projects continue while the NDIA is in [caretaker period](#). Mr Hoffman noted the [recent amendment to the NDIS Act 2013 including the embedding of the Participant Service Guarantee](#) (PSG). The NDIA will ensure it upholds PSG standards to improve outcomes for people with disability.

### Council Members' community reports

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

- Continued challenges with plan reviews, funding, and plan management:
  - Increased delays in the completion of plan reviews and changes to existing plans, with reports of some significant reductions in plans following a review.
  - Reports of the NDIA reducing larger plans without warning and/or a step-down approach.
  - Increased delays with funding approval for assistive technology (AT).
  - Some people find it hard to get help from the NDIA with their plans. When they do, there is no continuity of service.

- Some people need to give the NDIA lots of proof about their disability, which is not considered in planning.
- Reports the NDIA does not equally promote ways to manage NDIS funding, and removes self-management from plans without reason.
- Challenges in some rural and remote Aboriginal and Torres Strait islander communities around:
  - Significant funding reductions, especially with larger plans.
  - Sometimes support coordinators are not told when plan reviews will happen and cannot help participants prepare.
  - Over the phone plan reviews are not inclusive for participants and families who do not speak English as a first language.
  - Some Aboriginal Community Controlled Organisations providers cannot provide service to NDIA-managed participants because they do not meet registration requirements.
  - The new tender for NDIA's Partners in the Community (PITC) program, which includes Local Area Coordinators (LAC), does not cover all communities.
- Challenges in early childhood disability with families:
  - Finding it hard to return or stay at work because of lack of childcare support.
  - Focused on their child's deficit rather than best-practice, strengths and development outcomes. Reports that families seek reports and/or quotes for therapies from providers in the hope of getting larger NDIS plans.
- Some disability advocates:
  - Have long waiting lists to assist people with disability access NDIS supports.
  - Say they are dealing with more Administrative Appeals Tribunal (AAT) cases relating to sexuality supports.
- People with disability want access to open employment and fair pay, not employment through Australian Disability Enterprise (ADE). ADEs should offer professional development and a pathway to open employment.
- Continued NDIS support challenges with the justice interface:
  - Some people find it hard to locate and access Justice Liaison Officers.
  - Some support coordinators do not engage with prisoners who have NDIS plans before release, delaying plan approval until long after release.
- Continued challenges around home and living:
  - Reports of longer delays in the completion of a request for plan reviews and changes and additions to existing plans.
  - Reports some people wait six months for a reply from the NDIA about their SDA application.
  - Reports some people who previously had a package of Individualised Living Option (ILO) supports are now being funded through Assistance with Daily Living funds in their core supports budget.
  - When short term accommodation (respite) providers shut down, there is a need to understand how people with disability and their families can use their funding flexibly to get other supports.
  - Delays with SIL roster of care approvals by the NDIA, leading to extended hospital stays for some participants.
- Challenges in the provider space:

- Adult guardians often refuse/delay signing service agreements on behalf of participants. Providers should ensure they have the financial capacity to support the participant.
- Reports some unregistered providers coerce participants, billing them for services not provided.
- Inappropriate provider behaviour when there is a shortage of disability support workers.
- All levels of government should work together with departments of health, the NDIA and other organisations to improve future emergency/pandemic response.
- The need for a legal expert, to lead the independent review of the NDIA's external review process via AAT, was raised.

### Update on co-design work

Dr Sam Bennett, NDIA General Manager, Policy, Advice and Research, noted productive meetings held with the Co-design Steering Committees. They are doing work on [co-design projects](#) to develop four key policies:

- Information Gathering for Access and Planning
- Home and Living
- Support for Decision Making
- Participant Safety.

Dr Bennett noted that each Steering Committee's membership has settled well and includes diverse representation guided by Terms of Reference. The Steering Committees govern the co-design activities under each project. The NDIA will work with [Participant First](#) to ensure a participant co-chairs each Steering Committee.

The NDIA will give Council reports after each Steering Committee meeting to ensure Council has a view of the co-design projects. NDIA is also working with the Steering Committees on the development of a co-design activity schedule for each project. The Co-design Advisory Group will input into the proposed schedule in the coming weeks.

Council Member, Sylvana Mahmic, updated on the work of the Support for Decision Making Co-design Steering Committee. She highlighted the committee membership included fresh and diverse representation, and the NDIA has allocated suitable resources to co-design.

### NDIA Compensation Recoveries Project

Jo Wickes, NDIA Compensation Recoveries Branch Manager, discussed the NDIA's plans for the Compensation Recoveries Project. The project aims to implement [Chapter 5, Part 1 of the NDIS Act 2013](#).

Council members noted:

- While the NDIA is treating this important issue sensitively, compensation is an extremely challenging area for people who are vulnerable. It was questioned if the NDIA should do this work at all.
- The human cost of compensation may be greater than the potential economic cost.
- The Council would like to know the projected savings and costs of the project.

- The Council would like to better understand project details and exactly who can apply for compensation. For example, people who are self-employed, NDIS participants, prospective participants, parents seeking compensations for wrongful birth, etc.
- Council would like to work with the NDIA to inform their work. Further follow up out of session will be arranged.

### **Update on Formal Advice: ‘Equity in the NDIS: improving access and outcomes for diverse communities’**

Belinda Epstein Frisch AM, Council’s Independent Consultant, noted Council’s Formal Advice aims to improve equity in access, participation, and outcomes in the NDIS. Council developed the advice in close consultation with:

- Aboriginal and Torres Strait Islander
- Culturally and Linguistically Diverse (CALD); and
- Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Asexual communities.

The Principal Member thanked Ms Epstein-Frisch and Council Member Jennifer Cullen for leading consultations with the different communities. The Principal Member noted the Formal Advice and the Agency’s response will be tabled with the NDIA Board in July. The advice is then provided to the Minister.

Members provided the following feedback on the Formal Advice:

- The Formal Advice is a strong and important piece of advice for Council.
- Intersectionality needs to be at the heart of the NDIS and goes beyond the three groups that were part of the consultation.
- Women with disabilities should be highlighted in the advice, noting Article 6 of the [Convention on the Rights of Persons with Disabilities](#).
- While this Formal Advice asks for a cultural shift, there is concern that it may cause more hurt to communities if the NDIA does not put equity and inclusion at the heart of its cultural journey/business culture.
- Where Council’s advice may not have set recommendations or goals, it is challenging to hold the NDIA to account for implementation timelines and tracking.
- The term CALD is a western and Anglo-centric way of viewing ‘other’.
- Council Members who developed the advice reported they had found their own assumptions and biases being challenged and changed while developing the advice and with different groups.
- The need for Council to have better sight of the progress against formal advice, including annual reviews of timelines and progress of formal advice.
- Acknowledged and thanked all those who were involved in the development of the advice.

Council members endorsed the advice in principle, noting key feedback will be incorporated.

### **More information on Council**

Council will next meet on 26 May 2022. Find out more about Council meetings and bulletins at the [Council’s website](#). You can also access advice from the [Council’s website](#).

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