

Independent Advisory Council Meeting Bulletin 28 March 2022

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 28 March 2022.

From Council's Principal Member

Leah Van Poppel acknowledged people with disability, whose voice Council seeks to represent. She extended a warm welcome to Dr Denis Napthine AO, incoming National Disability Insurance Agency (NDIA) Board Chairman, and Meredith Allan, NDIA Board Member.

Leah noted she will not appoint a Deputy Chair for Council. Instead, she will work closely with Council Reference Groups Co-Chairs, to align all advice and priorities. The appointment of a Deputy Chair is not a part of the NDIS Act, but something the Council previously implemented as part of an interim arrangement through its own procedures.

From the NDIA CEO

Martin Hoffman, NDIA Chief Executive Officer (CEO), noted the NDIA's work plan for the year focuses on ongoing operational improvements, co-design projects, improving participant outcomes, and commercial activities.

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 plan reviews, funding, and plan management:
 - Increased delays in the completion of plan reviews and changes to existing plans, with reports of significant reductions in plans following a review.
 - Some people with disability are in hospital waiting for NDIS plan approval.
 - Reports some participants are anxious that the NDIA will reduce participant funding as part of the upcoming Federal election.
 - Reports that self-management is not promoted equally to manage NDIS funding, alongside NDIA-managed or plan-managed plans.
- Challenges in some rural and remote communities around:
 - Lack of local area coordination (LAC) to help access NDIS services.
 - Inadequate housing options for people with a disability.
 - Transport options and a lack of understanding on using NDIS funding efficiently for transport.
- Creating linkages with peer groups across Australia may help people in rural and remote areas feel they are being heard by the NDIS.
- Some public advocates:

- Have long wait lists to assist people with disability access NDIS supports.
- Say they are dealing with more appeals cases for NDIS plan reviews. When appealing, some cases are declined and then resolved when the advocate appeals for a second time with the same evidence.
- Some Aboriginal and/or Torres Strait Islander participants who have received funding for several years:
 - Report that their funding has reduced by more than half.
 - Have had funding removed for Supported Independent Living (SIL).
- Continued NDIS support challenges with the justice interface:
 - Some people find it hard to locate and access Justice Liaison Officers.
 - Reports that it is difficult for a Coordinator of Supports (CoS) to engage with participants in prison, even with a known release date.
 - The [justice system operational guidelines](#) are not working.
 - There should do more outreach to prisons, and better training for CoS, LAC and NDIA Planners.
 - The NDIA complex pathway is hard for prisoners to access.
- Continued challenges around home and living:
 - Reports of reducing SIL plan funding without explanation or justification.
 - Some providers select high value SIL plans for their financial benefit.
 - Increased reports on the impact that funding reductions have on people's lives and wellbeing.
 - Concern that participants with SDA and ILO funding do not truly have choice and control over how, where, and with whom they live, because of planner, service provider and/or family interventions.
 - Reports that people who need SDA are waiting on average five months for approval, with some applications taking up to 18 months.
 - Service providers manage most SDA housing being built.
 - The NDIA should share data on where participants live to assist state governments determine where community housing is required for future planning.
- Some NDIA Planners and LAC:
 - Have little cultural understanding around defining 'challenging behaviour' or 'behaviours of concerns' and include unnecessary restrictive practice in a Positive Behaviour Support Plan.
 - Have little understanding around Huntington's Disease, or other rare diseases, because they lack specialist training.
 - Shy away from the complex care pathway for participants with progressive neurological disease, often because they do not know what supports these people should have funded in plans.
 - Are not available in some states, which means other states manage their LAC supports for them.
- Some confusion about [how participants can access the increase in the upper limit for automatic approval](#) of assistive technology (AT).
- Concern the disability community has not sighted amendments to the NDIS Act, currently subject to parliamentary approval processes. This may affect people with disability and cause further loss of trust in the community.

- The need to dispel misinformation on social media about NDIS participants asked to repay their funding because of non-compliance.
- Continued reports on late female autism diagnoses, as compared to males, which prevents early intervention.
- The need for more public awareness around the insurance principles that guide the NDIS, because often participants and the public have difficulty in relating disability support needs to insurance.

Co-Design Advisory Group update

Leah noted progress made by the Co-Design Advisory Group as part of the [next steps for co-design](#), and productive meetings held with the co-design steering committees for the following projects:

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

Council member, Leighton Jay, updated on the work of the Home and Living Steering Committee, noting two meetings to progress key NDIA work items, including a Project Brief and Approach Plan.

Leighton noted that while the NDIA is trying to improve immediate home and living pain points, Council members should be engaged via the Home and Living Reference Group to ensure further insights and trust rebuilding.

Update from the NDIS Quality and Safeguards Commission

Tracy Mackey, recently appointed NDIS Quality and Safeguards Commissioner, discussed the NDIS Quality and Safeguards Commission's (Commission) work.

The Commission is doing work to drive a nationally consistent approach to the registration, education, and regulation of providers and workers in the NDIS market by:

- Developing a five-year plan.
- Producing more regular activity reports about the Commission's work.
- Improving the quality of its services and supports.
- Improving unauthorised restrictive practices and behaviour supports more broadly.
- Progressing an [own motion inquiry into aspects of Supported Accommodation in the NDIS](#).

Tracy noted a recent registration roundtable, and other engagement events, have been important to get stakeholder feedback about areas of improvement for the Commission.

Council members noted:

- The Commission should work closely with the Royal Commission to make improvements for people with disability.
- The importance of the take up by NDIS workers of the Commission's [worker orientation module, 'Quality, Safety and You'](#) online courses.

- The importance of data around organisations and employees with current registrations to reinforce that the current framework is working.
- The Commission should recognise the important personal safeguard of developing friendships for people with complex access needs.
- Recommendations from the [Robertson report](#) around identifying at-risk and/or vulnerable participants.
- The importance of engaging with intellectual disability peer groups to explain the work of the Commission, ways they can raise issues, and get supports.
- They wanted to get in touch with key Commission contacts in their state and/or territory.

Update on NDIA Information Gathering for Access and Planning

Dr Sam Bennett, General Manager of Policy, Advice and Research, NDIA, explained in detail the progress made on the Information Gathering for Access and Planning (IGAP) Project. The NDIA will co-design with the disability community a new person-centred model that delivers consistency and equity in access and planning outcomes. The NDIA has established a co-design Steering Committee to provide strategic advice, governance and oversight for this project.

Sam noted the NDIA will also establish an Expert Advice Panel, including medical practitioners, allied health professionals, academics, and social insurance experts, to support the IGAP Steering Committee's work.

Members noted:

- The Expert Advice Panel should not work separately to the Steering Committee. The panel should provide technical advice to the Steering Committee in line with their technical expertise to support the Steering Committee.
- The NDIA should use analysis and knowledge gained from the Independent Assessment Pilot to inform the IGAP Project.
- The Expert Advice Panel may benefit from experts in administrative law and from National Aboriginal Community Controlled Health Organisations (NACCHO).

More information on Council

Council will next meet on 26 April 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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