# Vision Australia submission:

**Participant Service Guarantee**

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## Introduction

Vision Australia (VA), as the largest national provider of services to people who are blind or have low vision, welcomes the review of the National Disability Insurance Scheme (NDIS) legislation and introduction of the Participation Service Guarantee. Vision Australia is acutely aware of the challenges that people with low vision and visual impairment face during their interaction with NDIA.

This submission suggests changes to the participant pathway and proposes service standards to enable timely and informed decisions by the agency.

## Recommendations

The Review of the NDIS Act must improve the participant pathway through:

1. Enabling provisional access decisions to be made in the absence of full or disputed functional impairment reports;
2. Legitimising the role of Local Area Coordinators as responsible and accountable for planning decisions;
3. Ensuring that a participant has at least one active plan throughout any plan review process.

These amendments would enable a participant to:

1. receive reimbursement or upfront funding for assessments which are required by the Agency to support access and eligibility decisions;
2. be confident that the discussions at the planning meeting will be reflected in their final plan and not overridden by delegates without further consultation;
3. be certain that they are able to access uninterrupted services irrespective of plan reviews being conducted within the plan period.

It is proposed that the Participant Service Guarantee includes:

1. A service standard around decision making transparency;
2. An efficient and timely process for assistive technology decisions; and
3. Inclusion of consistent comparable metrics in the NDIS quarterly reports.

## Participant Pathway: Eligibility and Application

Vision Australia provides services to more than 26,000 people each year and has approximately 3000 clients enrolled in the NDIS. This lower participation in the Scheme is reflective of the visual impairment cohort, making up only 2-3% of the expected 4% Scheme makeup. A key reason for this is the numerous assessments that are required to demonstrate functional impairment. This creates a barrier to entry into the scheme. The situation is further complicated by the multiple requests for clarifying diagnostic information that the Access Team require from potential participants. Although Local Area Coordinators (LACs) are tasked with assisting participants to apply for NDIS funding this is rare and in most cases not feasible as personal records are required to assess eligibility.

### Proposed solution

It is proposed that an amendment be made to the current rules that enables the Access Team to make a provisional decision rather than a final decision within 21 days of lodgement in cases where further functional assessment documents are required. The provisional decision, conditional on a Statutory Declaration from the potential participant citing functional impairments, will make the process easier and faster for participants. The provisional acceptance could be revoked or changed to an on-going enrolment after more extensive assessments are funded and provided as part of the participant’s first plan.

This is similar to the direct enrolments that state and territories’ adult disability clients were privy to during the phased rollout of the scheme. The current enrolment method disadvantages clients who were not provided with assistance due to the States’ capacity issues. An agile approach would also enable clients to receive services in a timely manner without further deterioration of their circumstances.

### Case Study 1

A child who was one and a half years old when the family submitted enrolment forms for registration with the NDIS in May 2018 was nearly three by the time she received her first NDIS funded therapy session.

A LAC conducted a home visit to complete an Access Request in July 2018. Further evidence and information was requested by the LAC and emailed by the mother to LAC. Verbally the mother was informed that a likely outcome would be that the child would be deemed ineligible.

By March 2019, with no follow up or formal notification received from the LAC, VA assisted the mother of the child to call the LAC and follow up on the status of the child’s application. The mother was informed that the additional information provided had not been receipted in the child’s file and so the child was still on a wait list.

Subsequently, an Access request meeting was held in May 2019 and the family were notified of a positive eligibility decision in August 2019. A meeting to start the planning conversation was scheduled for later that month.

This process took 16 months in total and the child may have missed out on vital early childhood interventions that would most likely impact on her overall learning and development. VA had provided services in kind during the wait period for the child to avoid a negative developmental outcome.

This is one of the many cases that VA is aware of where the length of time taken to make an access decision far exceeds the 21 day turnaround time stated in the NDIS Act. In most cases the measure is interpreted by the agency as response time to make initial contact with the participant rather than the time it takes to make an access decision.

## Participant Pathway: Creating a Plan

Vision Australia assists consumers with pre-planning to socialise the experience of planning meetings with participants. A guided planning tool is used to assist people to articulate their goals and identify supports that will be required to achieve their stated goals. The recommendations are costed by specialist staff and supported with best practice recommendations to assist the LAC planners with a participant’s disability specific information.

Although many LACs have found the planning tool helpful and have had productive conversations using this tool to prepare draft plans with the participants, the final plan approved by the NDIS delegate can be vastly different. Vision Australia is aware of cases where the NDIS delegate rejected all the recommendations that were made by the LAC planner without meeting or discussing it with the participant.

### Case Study 2

Siobhan is blind and in her late 50s. She also has a severe hearing impairment and meets the definition of Deaf Blindness used by the NDIA. Her first NDIS plan did not provide sufficient supports to allow her to achieve her goals, but she had a “very productive and affirming” conversation with the LAC at the review meeting prior to her second plan. She reports that the LAC had a good understanding of the supports that she would need. However, the planner who developed her plan rejected most of the recommendations made by the LAC, and did so without any further input from Siobhan. She had a conversation with the planner, but only after the plan was finalised, and she felt that the planner had no interest in her concerns.

Siobhan requested an unscheduled review of her plan, but this has never happened, despite numerous emails, phone calls and complaints to the NDIA from Siobhan. In the meantime, she has had to pay for some supports herself and has been unable to gain access to braille-based assistive technology. Prior to the review meeting for her third plan, Siobhan seriously considered leaving the NDIS altogether because she has found the process “incredibly stressful, demeaning and humiliating”.

The use of reference packages to moderate plans by the NDIS delegates disregards a participant’s input into their needs whilst living with a disability.

### Proposed solution

A proposed amendment to the NDIS Act is to include recognition of the LAC planners as authorised decision makers rather than as separate entities subcontracted by the NDIS to gather information on the agency’s behalf would greatly enhance timely decision making.

The bottleneck created by the current arrangements negatively impacts on participant experience of the NDIS. The time and effort that a participant dedicates into planning meetings and engaging with the LACs is deemed unproductive as the LACs do not have the authority to finalise their plans and in many cases are unable to explain the decisions of the NDIS delegates. The process that delegates use to moderate the decisions of the LACs should be transparent and discussed with the client. Clear articulation of roles and responsibilities and governance around decision making is needed to manage participant expectations.

Alternatively the staffing cap at the NDIS should be lifted so that the delegates are more available to liaise with participants directly.

## Participant Pathway: Plan Reviews

Unplanned reviews due to change in circumstances and/or errors in the initial plan disrupt continuous service provision to participants.

Planned reviews at the end of the plan period have recently been modified to roll over the pro rata amount of funding for the remaining plan period whilst a review is in process. This assumes that funds are spent in a linear manner during the plan life cycle. However, this is not always the case as outcome measurement reports required at the end of the plan period are additional billable tasks that are not reflected in the way funds are used earlier in the plan cycle.

The NDIS Act sections (37) (3) (a) and (b) state that a participants plan ceases when it is replaced by another plan, however, the NDIS routinely suspends plans whilst they are being reviewed. This is particularly common in the case of unscheduled plan reviews. This contradicts the stated principle of providing people with disability and their families and carers with certainty that people with disability will receive the care and support they need over their lifetime.

### Proposed solution

A proposed amendment to the legislation is to enshrine the principle of certainty by keeping current plans active whilst concurrently reviewing the plan. The revised plan can only come into effect after the end date of the current plan. This will ensure a participant always has an active plan irrespective of the administrative processes of the NDIS.

## Service Standard: Merit

In addition to improvements to the participant pathway, service standards that improve communication and consistency of decision making by the NDIS will drastically improve the functioning of the scheme. Vision Australia supports the inclusion of a merit principle that ensures that participants receive information about any decisions made with regards to their NDIS funding.

There has been inconsistent application of the term “Reasonable and Necessary” across the agency, in particular with regards to Assistive Technology decisions.

For NDIS to consider a support reasonable and necessary, all criteria in section 34 of the NDIS Act and the Supports for Participants Rules 2013 (part 5) must be met. In assessments for assistive technology made by NDIS’ Technical Advisory Team (TAT), value for money has been the most challenging criteria to define. TAT assessors often appear to equate value for money to current cost of the item, rather than the long term benefit to the client, or the potential utility of having one useful item for multiple functions. There should be clearer reasoning for decisions released, and more transparent criteria or expectations on what AT Assessments should include to support decision making.

### Case Study 3

A 45 year old blind woman with PTSD who was competent using a cane to travel independently but required a Seeing Eye Dog predominantly for night time travel had her application rejected as it was deemed to not meet the Reasonable and Necessary criteria. The Technical Advisory Team recommended that the client be provided with further Orientation and Mobility training on her preferred routes to enable her to travel at night as this was deemed to be better value for money option. This decision did not meet the client’s safety needs and she paid for the dog using her personal funds. At the plan review the following year, the client requested on-going dog maintenance costs and follow up instructor training to support the Seeing Eye Dog that she now had, however the NDIS rejected this request despite the change in the participant’s circumstances. There was no reason given for the rejection of maintenance costs.

There are numerous cases such as the one above where a participant’s basic human rights of safety and dignity have not been taken into account. In another case the Technical Advisory Team (TAT) assessor suggested that a “person with visual impairment request for someone to introduce themselves” as a low cost option instead of having a facial recognition camera funded through the NDIS.

Vision Australia’s technology consultants have found that the NDIS assessors rarely provide feedback on outcomes of their assessments or communicate with the report writer prior to making a decision. By comparison, the Job Access assessments for the same equipment at a workplace involve a much more collaborative, timely and transparent process. This leads to better outcomes as the assessors get a better understanding of the reasons why customisation of the product to the participant is necessary.

Additionally, TAT assessors often assume technology literacy by participants and in some cases, clearly have personal preferences for products and suggest applications that can only function on personal computers or selected mobile devices.

## Service Standard: Timely decisions on Assistive Technology requests

Streamlining Assistive Technology (AT) processes will reduce wait times. For example, if a dog guide has previously been approved, the need for TAT to assess a successor dog to the same level of detail should be unnecessary especially if a participant’s circumstances have remained substantially the same.

Additionally, response times from the Agency can be up to nine months from date of report submission for all forms of AT and assessments. This is far too long, especially if a client has already spent a year waiting for Assistive Technology that would have substantial benefits for their lives. Prompt funding decisions are required to start training with the participant for AT usage or for dog handling.

There are no publicly available service standards for technology assessments currently. An ideal timeframe for funding decisions to be made following submission of the Assistive Technology Assessment report should be no more than four weeks. This is routinely delivered by Job Access (workplace assessments) equipment requests for similar products. Once funding is approved, the portal should be updated within 24 hours with a service booking for the quoted amount.

### NDIS Reporting Metrics

Vision Australia acknowledges the increased amount of data that the agency has recently made available to the sector about participant profiles and their plan usage. This information, although valuable for assessing the state of the market, does not inform the performance of the market.

Data gathered by the agency can be useful to stimulate the sector and inform development of new services in growth areas. Information such as wait times by service type would inform participant’s expectations and trigger competition in the sector.

Inclusion of market data such as the items suggested below would be helpful to the sector:

* Number of plans not activated by registration group and region
* Average time for plan activation by age and disability cohort

Alongside availability of services, performance of the agency determines the satisfaction levels of participants. Efficiency metrics such as the ones below should be considered for reporting to the Disability Reform Council:

* Percentage of unplanned reviews
* Time for average access decision by region
* Time for average assistive technology decision by technology type

## Conclusion

The NDIS has made a huge impact on the quality of life for people living with a disability. It has created pathways that previously did not exist for this cohort. The bureaucratic approach of the agency however has led to disengagement and frustration both by participants and service providers.

Additionally, the numerous reviews and hearings into the agency to address this has created noise with little change to significantly improve the system which puts further pressure on the sector. Providers who are already stretched to deliver billed services as efficiently as possible are engaging with the efforts to tweak the system at the fringes. A more collaborative, and sympathetic approach from the Agency in working with providers is urgently required to address the critical issues which are affecting participant experiences.

Any consideration of the participant pathway and a service guarantee is inextricable from the service environment. There are increasing risks to the viability of many service providers across the country, either in whole or in part. Vision Australia recommends consideration of the submissions and report from the recent Joint Standing Committee on the NDIS Thin Markets to draw connections with the impact of the scheme’s implementation on providers flowing through to participant access to services.

A major constraint to moving from a heavy-handed to a light touch scheme is the NDIS legislation. Vision Australia encourages the Tune Review to address critical areas such as assistive technology, enrolment timelines and decision making transparency which would simplify the operation of the scheme and give participants greater confidence in one of Australia’s largest social reforms.