

My reference:

3 September 2019

The Hon. Stuart Robert, MP
Minister for Government Services
Minister for the National Disability Insurance Scheme

Dear Minister,

I write to you on behalf of my wife [redacted] and myself as her primary carer.

I would like to draw your attention to the ongoing concerns regarding my wife's application for access to the National Disability Insurance Scheme (NDIS).

I phoned the NDIS (29/3/19) to have an access request application form mailed out.

Correspondence (NDIS reference – [redacted] dated 1 April 2019) was received with an enclosed access request form and a request for the completion of the form within twenty-eight (28) days and further contact from NDIS within twenty-one (21) days after lodgement.

On the 16/4/19 I contacted the NDIS ([redacted]) to request an extension of time for submission (to the nominated 28 days) as this timeframe was too short to gather the relevant supporting documentation from specialists, medical staff, social workers and occupational therapists. An extension was given until the 12/5/19.

The access request form was emailed (nat@ndis.gov.au) on the 11/5/19 with supporting documentation attachments. I requested a read receipt but never received an acknowledgement. As quoted in the correspondence (dated 1 April 2019) the NDIS did not respond within 21 days. Correspondence from the NDIS (dated 16/5/19) was received requesting further information in relation to residency and citizenship.

I contacted the NDIS (27/5/19 – [redacted]) to request a provider number to access the NDIS portal via the My Gov website. An email was then sent (portal@ndis.gov.au - 27/5/19) with the requested information and notation that the suburb ([redacted]) was misspelt. Once again I requested a read receipt and again no acknowledgement so a follow up phone call was made to the NDIS on the 31/5/19 and spoke to [redacted] who confirmed the receipt of the additional information.

On the 20/6/19 my wife received written correspondence from the NDIS (dated 13/6/19) advising that the NDIS (we) were in the process of determining whether she met the requirements for access. Second paragraph of the letter advised that "we wrote to you on "0" when requesting evidence of the impairment and the impact of the impairment on her life".

Third paragraph then advised that "you can either provide me with this information from any assessments or reports you already have, or arrange for the enclosed form (Access Request – Supporting Evidence Form) to be completed and returned.

Fourth paragraph requested that the information be returned within twenty eight (28) days.

Minister, a few observations here regarding the above (dated 13/6/19) correspondence.

It would appear that there is little follow up or systematic vetting within the NDIS/NDIA.

Again the suburb spelling was still misspelt (Not corrected as previously advised).

No true date inserted into the template's second paragraph claiming that "we" wrote to you on (0)?

For the record no such correspondence was received by my wife nor do I believe that it was even generated.

Confusing word association describing "we" (assuming as an organisation or plural persons) and then jumping to "me" (assuming individual or singular person).

Whilst I don't have an issue with an individual from an organisation requesting follow up information, I can't understand the "blank" National Access Team signature when the letter refers to "me" (individual) on several occasions.

Minister, the most concerning issue regarding this correspondence is that it is addressed to my wife who has been diagnosed with a neurodegenerative dementia and likely to be young onset Alzheimer's disease (as per Consultant Neurologist's report). Unfortunately when she has opened the letter she was confronted with this request and didn't understand why a determination hadn't been made and why did the NDIS require further evidence when it was supplied with the original application (11/5/19). She got confused, upset and depressed not understanding the workings of Government bureaucracy.

Minister, to put it bluntly I'm losing my wife (from a cognitive perspective) and I have enough to try and cope without the NDIS adding to my pressures by not meeting their obligations in a timely manner.

I contacted the NDIS again on the 21/6/19 and spoke to a male named [REDACTED].

I asked why the letter (dated 13/6/19) had been sent requesting the completion of the Access Request – Supporting Evidence Form regarding evidence of impairment. I advised Chris that all the required documentation was sent through as attachments with the access request application form on the 11/5/19. I said to [REDACTED] that it appeared to me that the application hadn't been looked at or the letter of the 13/6/19 wouldn't have been issued. [REDACTED] advised that as per an internal memo any queries regarding the processing of an application should be responded to with an answer of up to ninety (90) days for a determination. I asked where I would find that on the NDIS website? He replied "you won't". I stated that as per the letter dated the 1/4/19 there would be further contact from the NDIS within 21 days. This has not been the case and to further complicate the issue the letter has impacted on my wife's health given her dementia and capacity to understand the contents. I'm extremely unhappy with the letter and didn't want any further repeats upsetting my wife. [REDACTED] apologised but said that the letters were automatically generated and sent out. I responded saying that the current Government before this year's Federal Election had a carryover of \$1.6b funding for the NDIS. Perhaps some of that money should be directed towards fixing a system that is obviously broken and badly outdated.

I asked that a stop be put on the system for any similar type of letter that might be sent out. My wife can't cope with the stress and secondly the letters shouldn't even be generated.

[REDACTED] said that if a stop was put on the letters any "genuine" letter may not be received.

I said leave as is in that case and we'll see what happens.

[REDACTED] advised that three (3) days after the letter was sent the supporting evidence was "found".

I'm assuming from the vagueness of [REDACTED] statement that the access request might have finally been looked at?

On the 17/7/19 my wife received another letter (dated 11/7/19) requesting additional information to progress the access request to make a determination.

Once again the letter template in the first paragraph references a letter sent on "0" with no date.

The second paragraph quotes that "as we have not received the requested information I am unable to progress your access request."

The third paragraph asks to "contact the NDIS as soon as possible to ensure current service arrangements are not impacted.

There are no service arrangements in place let alone any determination being made.

I rang the NDIS again on the 19/7/19 and spoke to a female by the name of [redacted] (had an [redacted] accent).

Unfortunately for me [redacted] was not at all helpful. She said that there was a "big backlog" and that I needed to send an email to request an update and reason for the delay to process the application. I replied to [redacted] saying "why do you think I've rung the enquiry line for?"

I advised [redacted] that the letter dated the 11/7/19 sent to my wife who had early onset dementia was once again put through unnecessary stress and upset trying to understand the relevance of the request.

I said that the previous NDIS contact I spoke to on the 21/6/19 was quite helpful and had some plausible answers to my questions. She did not.

I advised [redacted] that the commitment times as per the NDIS Act had well and truly blown out. Again [redacted] made reference to the "large backlog" with poor responses and no clue as to any real answers to my questions.

[redacted] spoke over me on several occasions when finally I asked her to stop talking over me as it was "the height of arrogance and ignorance".

She apologised and then I requested for an escalation of my request to a supervisor or Manager.

[redacted] advised that no-one was available however "someone" would get back to me in 24 – 48 hours. (This appeared to me to be quite convenient for her).

To sum it up she was an appalling front of house representative for the NDIS. (I hope she wasn't one of the newly contracted Serco operators).

Minister I'm still waiting for that escalated return phone call but no surprise given the service and the performance of the NDIS so far.

To date (of this letter) since I provided the additional information for residency and citizenship (27/5/19) some ninety nine days (99) have elapsed with no determination from the NDIS which ironically is now over the ninety days quoted by [redacted] on the 21/6/19.

Minister no doubt you would be aware of the National Disability Insurance Scheme Act 2013 which in part states;

Chapter 3-Participants and their plans

Part 1-Becoming a participant

20 CEO must consider and decide access requests

If a person (the *prospective participant*) makes an access request, the CEO must, within 21 days of receiving the access request:

- (a) decide whether or not the prospective participant meets the access criteria; or
- (b) make one or more requests under subsection 26(1).

26 Requests that the CEO may make

- (1) The requests the CEO may make under this subsection after a prospective participant has made an access request (see paragraph 20(b)) are as follows:
 - (a) that the prospective participant, or another person, provide information that is reasonably necessary for deciding whether or not the prospective participant meets the access criteria;

- (b) that the prospective participant do either or both of the following:
 - (i) undergo an assessment and provide to the CEO the report, in the approved form, of the person who conducts the assessment;
 - (ii) undergo, whether or not at a particular place, a medical, psychiatric, psychological or other examination, conducted by an appropriately qualified person, and provide to the CEO the report, in the approved form, of the person who conducts the examination.

(2) If:

- (a) information or one or more reports are requested under subsection (1); and
- (b) the information and each such report are received by the CEO within 28 days, or such longer period as is specified in the request, after that information or report is requested;
the CEO must, within 14 days after the last information or report is received:
- (c) decide whether or not the prospective participant meets the access criteria; or
- (d) make a further request under subsection (1).

(3) If:

- (a) information or one or more reports are requested under subsection (1); and
 - (b) the information and each such report are not received by the CEO within 28 days, or such longer period as is specified in the request, after that information or report is requested;
- the prospective participant is taken to have withdrawn the access request, unless the CEO is satisfied that it was reasonable for the prospective participant not to have complied with the request made by the CEO within that period.

Minister as you can see from the above highlighted sections of Chapter 3, the timeframes have not been met (missed by "a country mile") since the last request for additional information was submitted to the NDIS on the 27/5/19. No doubt the KPI stats would make for interesting reading. Minister I read your press release from the 12 August 2019 announcing that Mr David Tune will conduct a review of the NDIS legislation and rules to develop the NDIS Participant Service Guarantee.

You make a number of quotes in the press release to which I'll comment on.

I'm not sure what policy you took to the recent election to set new "timeframes" for access requests. Somewhat confusing and conflicting to me given the clear timeframes set out in the Act. Perhaps if you kept to the Act guidelines you wouldn't have to waste taxpayer's money on a costly review.

Whilst I understand your focus on children, I would have thought that every person with a disability would be treated equally on a level playing field.

I understand that you might be listening to issues regarding the NDIS, however you are not doing it very well. I sincerely hope that you consult far and wide with the pending review because you are well off the mark.

In relation to your reference about the effectiveness and impact to the aged care system you certainly "lag horribly behind" any benchmark with the Royal Commission, quoting that some 16,000 people died while waiting for a package last year.

It certainly wouldn't take much for the NDIS to be better than it currently is.

Minister I hope this gives you an overview of one battling "Aussie" dealing with a bureaucratic system that doesn't even come near my (or my wife's) expectations.

I love my wife and have cared for her for some time without any Federal Government assistance on a single low-income wage I might add.

I have received more help from State Government departments (certainly in documenting my wife's claim for NDIS Access) and obviously empathetic to my wife's wellbeing compared to that of the dealings with the Federal NDIS/NDIA.

Yours sincerely,

(and on behalf of

Cc; A/G CEO NDIS
 Commonwealth Ombudsman
 Shadow Minister for the NDIS
 V.
 Alzheimer's Association
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