

Department of Social Services

Improving the NDIS Experience: Establishing a Participant Service Guarantee and removing legislative red tape.

Thank you for the opportunity to contribute to this review.

Please find attached a submission to the review of NDIS Act and accompanying Rules. This is a personal submission although I have a company supporting NDIS participants.

Participant Service Guarantee

Key discussion questions from the Improving the NDIS Experience Discussion Paper

1. Which of the above principles do you think are important for the NDIA to adhere to, and why?

All the principals detailed in discussion paper are important.

The NDIA should be adhering to these values now. Not all new participants have bad experiences in joining the NDIS. We are told many participants are having plans approved and starting to achieve their goals. But, there are too many participants and also companies supporting the participants having bad experiences. The main areas which are failing are timely outcomes, decision made are not transparent and are basically non-negotiable leading to lengthy reviews and staff in NDIS and LAC that are not professional and trained.

All principals are needed as they can focus the NDIA on their commitment to the participants they fund.

A financial Principal also needs to be included. More detail below under point 3.

2. In your experience with the NDIA, do you think they fulfilled the above principles? If not, how are they falling short?

I am involved with SIL and the SIL Team have not fulfilled most of the principals noted.

From my experience the SIL Team is focused on approving SIL quotes and do not have interaction with other parts of the NDIA. Time delays were massive where our company was without SIL payments for over two months when the SIL was just cut due to participant's new plans. We had to cover the funding short fall from the company assets as we could not stand down staff as the participant needs had to be addressed. We were told we had to have all the participants and SIL plans aligned. This has turned out to be a sad joke.

3. What other key principles are important for the NDIA to follow, that could be included in a Participant Service Guarantee?

Another key principal could be around payments of participants and the companies that support the participants. The heading could be *Financial Commitment*.

When a new plan is approved generally the old plan is immediately stopped. This leaves many participants and companies in a waiting game attempting to recover money from the cut off plans. There is generally NO warning of exactly when the plans are cut and the new plan starts.

A solution is communication between the NDIS and participant to adequately let everyone know the new plan will start on a particular date. This would allow most of the outstanding

invoices to be submitted to NDIA. This would save both participants, support companies and the NDIA time and effort. Just a simple request.

A better solution is to leave the “old” plan open to allow participants and support companies to claim from the old plan funding. Many companies bill on a monthly basis so leaving the old plan open for one month is not unreasonable. Of course the NDIA would need to notify participants in a timely manner, not one week before the new plan takes over.

From the new plan effective date any activities from that date would be funded from the new plan.

Again one makes an application to a general email address and the email just disappears into the abyss. There is no communication or follow up by NDIS. If the old plans were left open and claims made this would reduce resources needed by NDIS to follow up and manually pay invoices.

4. One way to measure these principles is through a set of ‘Service Standards’. Some ideas for what these Service Standards could be are listed in Attachment A. Do you think these Service Standards are fitting? Are there other standards you believe should be included?

Whatever data is collected this data should not be given to the spin doctors. The raw data needs to be as it is. This may help the NDIA address the problem areas with more resources, or attempt to cut the information required to limit the review times.

In Attachment A of the discussion paper SIL needs to be included in the mix.

Although various minority groups are important political correctness should not be the driving force. All participants need to be treated equally.

5. Do you have any ideas on how we can measure how well NDIA has delivered on each of the principles?

Unless there are consequences for failing any of the Service Principals then it is little value having them. One cannot deregister the NDIA for failing any of the principals.

Public opinion only works for a while and if NDIA is consistently failing people there could be backlash in people saying the NDIA is a waste of time and cut funding. The real reasons for example lack of qualified and trained NDIS staff will be just lost in the spin.

The times required to perform certain tasks in the Participant Service Guarantee need to be there. The other principals can be addressed as noted in the Appendix A with more checking that the LACs are actually doing what they have to do. For example once the plan is approved the LAC needs to visit the new participant and help them navigate the system.

The spin doctors need to be kept away for massaging the data so a real level of commitment can be adhered to and year on year data can be reviewed for improvements or allocation of appropriate resources to targeted areas.

6. What are some of the significant challenges faced by NDIS participants in the access process?

It is not just the access to NDIS but ongoing planning.

7. The NDIS Act currently requires the NDIA to make a decision on an access request within 21 days from when the required evidence has been provided. How long do you think it should take for the NDIA to make an access decision?

This timing is correct for general NDIS access. The initial assessment needs to be relatively quick. It is either a YES you can engage a LAC to start your plan or NO the NDIA can't help. Relevant evidence needs to be provided at this time. Information for applying to the NDIA is available on the NDIS web even if it is a bit cyclic in nature.

The issue is when is enough evidence is enough to get started. New potential participants need to be able to list the various disabilities they have. This maybe a physical disability as well as a mental disability or impairment or sensory and intellectual.

Communication is required from NDIA to the new entry person to update on where their application is. The applicant should not have to keep requesting this information.

One suggestion at the Canberra workshop was to have an on line tracking mechanism similar to parcel tracking. It may not increase the speed of the process but it would free up staff time if people could follow their application on line. It would also be an easy tracking statistic on the processing times and could be used to identify any areas that need extra resources including personnel and funding.

8. What do you think the NDIA could do to make it quicker or easier to access the NDIS?

Better NDIA trained and professional staff numbers to be able to review applications. Staff need to be aware of the various disability categories and be able to react with appropriate questions if follow up is required.

If unsure then the NDIA or the LAC need to be engaged to visit the new applicant. This needs to be a 'quick' visit just to confirm what the applicant has noted in the application and confirm addition information requests. This is not to develop a plan and just enough information is required to admit the person into the NDIS or reject their application. If admitted the planning process can start.

9. Does the NDIA provide enough information to people when they apply for access to the NDIS? If not, what else could they provide that would be helpful?

I believe there is enough general information available to get an application started. The NDIA has put together some information packs which give this basic information. The information is included in the three Participants Booklets and many web pages.

The only disadvantage is the information is basically web based. If the new participant is not computer literate or does not have a close person to help they may not know where to even start.

The NDIS web site has enough information, possibly too much information, to enable new potential participants understand if they could be accepted into the NDIS. The issue is literacy and computer skills to access all the information. The NDIS does offer a 1800 telephone number to get started.

The web site at <https://www.ndis.gov.au/applying-access-ndis/how-apply/information-support-your-request/providing-evidence-your-disability#what-is-considered-good-evidence-of-disability> states if you need help to get evidence together your LAC will help. More information needs to be provided about LACs and when they can be engaged.

Additional links need to be added on What is an Access Request Form web page <https://www.ndis.gov.au/how-apply-ndis/what-access-request-form> to link to the form. It is clear if this form is still required.

The areas that fail miserably are in Supported Independent Living (SIL) and Specialist Disability Accommodation (SDA). There is not enough succinct information on what the NDIA requires. The registration of the dwelling into SDA is covered reasonably well but not how the participant can access SDA and/or SIL. The review and approval time frames are also ridiculous for these two major activities within the NDIA.

The web site for SDA is full of motherhood statements not real “you need this”.
<https://www.ndis.gov.au/about-us/operational-guidelines/specialist-disability-accommodation-operational-guideline/specialist-disability-accommodation-operational-guideline-performing-sda-support-needs-assessment>

10. Is the NDIA being transparent and clear when they make decisions about people’s access to the NDIS? What could the NDIA do to be more open and clear in their decisions?

A general answer is NO., in my experience they do not convey any information on their decisions.

Through a SIL quotation process decisions were being made by the SIL Team and when the provider ask questions there were never any answers. When the SIL funding was finally revealed there was no explanation of reasons the funding was reduced from our original submission.

A lot more communication is required. This is time and resource consuming.

10. What are some of the significant challenges faced by NDIS participants in the planning process?

The most significant challenge is having a planning person know what they are talking about.

In both the areas of SIL and SDA nearly all NDIA and LAC planners have NO idea. Ongoing employment is also another major gap in the NDIA knowledge base.

One does expect all planners to be knowledgeable across all areas but if a participant or person filling out a new plan notes that SIL or/and SDA are included in the plan then the planners need to either send someone who knows about these or finds out before the planning meeting.

This lack of communication is also creating issues as one files information and it just disappears into the void. One never knows if it is being actioned.

11. Are there stages of the planning process that don't work well? If so, how could they be better?

Once the NDIA or LAC has generated the plan it needs to be given to the participant to review. If the participants has trouble reviewing then NDIS needs to engage someone who can help the participant. This is either forcing the LAC to help or have the plan given to another provider who is funded to review the plan for the participant.

Frankly the LAC or NDIA planners need to listen to the participant/guardian or other help when at the planning meeting.

A NEW IDEA (maybe)

The NDIA or LAC planners need to have generated a basic plan on what they think needs to be in the new plan from the available information presented. That is come to the planning meeting with a basic draft form of the plan that can be adjusted on the day. This draft plan needs to be given to the participant before the planning meeting so reasonable discussion can be had on the day. I am sure many planners only read the plan once they sitting down with the participant. There needs to be face to face planning meeting in most instances. The planners can then see why a particular support is being requested. I acknowledge there are some participants that are just greedy and expect the world and the NDIA owes them. If a draft plan is given to the participant the planner could come with better knowledge of the situation.

At present the planners attend the planning meeting and collect some evidence then go away and write up the plan and present it to the participant as 'that's it'. If the participant finds errors and not enough support then the review process has to start.

Of courses there are some simpler plans that do not need this face to face but all participants need to be asked.

12. How long do you think the planning process should take? What can the NDIA do to make this quicker, remembering that they must have all the information they need to make a good decision?

As stated above the planners need to come the planning meeting with a proposed plan. A draft copy could be sent to the participant so they review it before the meeting and then be able to discuss where they think the planner has it wrong and of course right. This would require the planners to have actually read the information and maybe have some answers or know where he participant can go the get the required help.

If the planners came to the planning meeting prepared then the final plan would be relatively quick to finalise.

The first plan may be difficult to judge what support is required but subsequent plans everyone knows what has happened and what support was used. If the support was not used in the old plan the planner needs to ask why and if still required in the new plan. If valid, this

support could roll through. This would allow the planners to help guide the participant on where to find the supports required.

13. Is the NDIA giving people enough, and the right type of information, to help them prepare for their planning meetings? If not, what else could they provide?

Although the planners in LAC and companies are not allowed to advocate for the participant they need to be at the planning meeting to answer questions and support the participant.

Both SIL and SDA definitely do NOT have information on what is expected to be produced to help the NDIA make decisions on funding. For SIL there is a template to be filled in. Again how much information does the NDIA need to make decisions? For SIL there is NO planning meeting. One completes the SIL quote spreadsheet and fills in the template and sends it off. The SIL Team require this information at least 8 weeks before the participant's actual NDIS plans. This is a non-sense as the participants plans could be changed null and voiding the SIL quote. Months later after the participants are approved one gets an answer on the SIL quote submitted requesting to lower the required funding as what is required.

Again as stated above the planners need to do their homework and have a draft pan before coming to a planning meeting.

If the NDIS wants to have all the participants and SIL quote for a particular property then ALL the proposals need to be reviewed and approved at the same start date. We had to submit all plans at a given time but commencements dates for the SIL and participants are now months apart. Even participants have different start dates. Various parts of the NDIA need to understand what is happening in the broader NDIA and review the policy shift that occur within the system.

14. Is the NDIA being responsive and transparent when making decisions in participants' plans? If not, how could this be improved?

From my experience with SIL, the process is not transparent.

SDA has no concise guidance on the application for the participant's plans. Nearly all planners have no idea of SDA. SDA is a long process, which is not necessary but NDIA appears to make a mountain out of it. I assume because no one understands the process. This is one area, along with SIL applications, that need a total revamp.

Suitable information is available for registering the dwelling.

15. If you have been in the NDIS for more than one year, is it easier to make a plan now than when you first started? What has the NDIA improved? What still needs to improve?

Generally plans have funding cuts. There is no communication so one never knows what is coming in the new plan until it arrives in someone's email in box. If the participant is unhappy with the plan then the extended process of review starts. Or in the worst case participants attempt to work within the funding given to them. Totally unsatisfactory process.

16. What are some of the significant challenges faced by NDIS participants in using the supports in their plan?

Basically having the LAC know what they are doing and guide participants to the correct supports. The LAC actually has to support the participant once the plan is released. If the LAC are incapable of performing this service then Coordination of Supports need to be added to participant plans so other professionals can help.

The plan needs to have more detail on what supports or activities each of the areas of Core Supports, Capacity Building and Capital Support can fund. This needs to be addressed in the actual plan or have some easily accessible information sheets. My preference would be to include the type of resources funding in each of the areas can buy. It does not need to be detailed but at least participants can see the type of supports included.

17. Is the NDIA giving people enough, and the right type of information, to help them use their plan? If not, what other information could the NDIA provide?

Looking at a plan not enough information is conveyed. There is no wonder that funds are not spent on acquiring the required supports. A lot more information is required in the actual plan to help guide participants on what the three funding areas of the plan mean.

18. What other advice, resources or support could the NDIA provide to help participants to use their plan and find supports?

Before the planning starts a quick assessment could be undertaken to decide if a simple or complex case for that particular participant. If simple then the LAC could handle the planning and recommendations. For complex cases these then to be transferred to an established company that can handle and understand the needs of this complex cohort. Appropriate funding is also required.

Most LACs do not have the expertise to handle complex participants. Coordination of Supports need to be given to these companies for the complex participant's work they perform in getting the participant into the NDIS and accepted.

Maybe the LACs could do their job and after the plan is approved visit the participants and actually explain what each area means and how to access the required professional services.

Within the approved plan participants should be able to move funds between areas, with the permission of the NDIA. At present if a participant has expended all funds in one area and has funds into another area of the plan it can't be used. The nonsense of this is if one manages their own plan the funds can be used.

19. What are some of the significant challenges faced by NDIS participants in having their plan reviewed (by planned or unplanned review)?

Time and trained, understanding professional staff.

If NDIA listened in the first place and allocated enough funds then many people would not have to seek a review. There needs to be some communication attached to this.

Just get it correct in the first place.

As noted above if a draft plan was given to the participant before the planning meeting a proper discussion could be had at the planning meeting. The NDIA could have a limit on what they were prepared to offer.

There will always people attempting the scam the system.

20. What can the NDIA do to make this process easier or more effective?

Two trains of thought, firstly prepare a draft plan, with input as per now, but have a plan worked up ready for the planning meeting or secondly once the plan is developed after the planning meeting give a draft back to the participant for comment.

Currently the planners attend the planning meeting nod their heads and go away and at some point in time a Plan decree is issued. It is totally unknown what magic spells or formulae are used back in the office to generally reduce/cut participants plan requests.

The first option above would be less time consuming for NDIA staff as the proposed plan can be discussed openly at the planning meeting. It could be adjusted within reason but the participant and others present would have a clear picture of what was coming or if a review was really necessary as the planning did not achieve what was expected.

For the second option once a plan is complete by NDIS then send a draft to the participant so it can be discussed to check if enough funds are being allocated. If NDIA got it wrong then the plan can be adjusted to suit. If the NDIA is correct then a reason can be given.

This needs to be a short review time, say one week.

21. How long do you think plan reviews should take?

Once all the information is collected by the participant and submitted to NDIA about 30 days.

22. What are some of the significant challenges faced by NDIS participants when they seek a review of an NDIA decision?

The most significant challenge is time and having someone to support the review process.

Obtaining further medical evidence or even OTs to support Assistive Technology changes is a very time dependent process as there are not enough professional people to obtain quotes and reports.

Having someone at the NDIA who is professional and is trained in the particular disability that the participant has reviewing the plan.

23. Are there other issues or challenges you have identified with the internal and external review process?

The planning process for a majority of participants need to be where the participant is residing. That is have a face to face plan meeting. This will give the NDIA or LAC a real feel for the environment the participant is living and having to cope with. The participant needs to be sighted in most cases.

Generally there are issues with computer literacy, English not being the participant's natural language. The greedy or noisy participants need to be addressed and be treated as all NDIA participants. In many case the load abusive participant gets away with more funding and supports that are necessary. This can be addressed by better communicating the reasons why the participant is not getting what they "demand".

24. How could the NDIA improve the decision review process?

Basically get it right in the place so there is NO need to have a plan review.

Most plan reviews are generated because the NDIS planner has not listened or cut the hours or supports required.

Is maybe a deliberate ploy by NDIS to reduce costs, I do not know

As noted above in several places send a draft plan before the meeting.

25. How long do you think reviews of decisions should take?

See above.

26. Do you think there are parts of the NDIS Act and the Rules that are not working or make things harder for people interacting with the NDIS?

I would suggest very few people would have read, let alone understand, the Act or the Rules.

Fortunately the NDIS Quality and Safeguards Commission has have a page which links the relevant legislation and rules but it mainly aimed at Service Providers.

The NDIS Act needs additional information to allow the NDIA to be able to transfer funds between the three areas of Core Supports, Capacity Building and Capital Support within the participants plan. At present each are has funding and can only be used in that area. People who manage their own plans can purchase items and services and shift money as they desire.

27. What changes could be made to the legislation (if any) to:

a. Improve the way participants and providers interact with the Scheme?

- b. Improve the access request process?
- c. Improve the participant planning and assessment process?
- d. Better define 'reasonable and necessary' supports?
- e. Improve the plan review process?
- f. Improve the internal merit review process?
- g. Improve the way other government services interact with the Scheme?

Not answered as I do not have time at this point to read the legislation.

Something that needs to be added to the legislation is the NDIA needs to be able to move funds from one area to another area in the participants plan ie across boundaries of Core, Capacity Building and Capital Support. If one area the funding is exhausted but another part has funds available participants should be able to access this. The participant is not asking for more funds but be able, with justified reason, to access other funds within their plans. This would normally be near the end of a plan.

28. What are the significant challenges faced by NDIS participants in changing their plan?

Time and having qualified and trained NDIA staff review the plan.

Minor plan amendments generate a full plan review. This is just a waste of everyone's resources and is totally not necessary. Repairs to equipment or replacement equipment needs to be easier to access. Quotes are required as much of this equipment is expensive but a short application to the NDIA is required then when approval the equipment repair or purchase progressed. A participant should not have to wait until the next annual planning meeting.

If the NDIA got it right in the first place then there would be no need for reviews.

Not everyone will be happy with decisions and they will always want more, as these people think it is there right to be supported well beyond able bodied people in the community are funded for.

With better communication many issues can be addressed

29. How do you think a 'plan amendment' could improve the experience for participants? Are there ways in which this would make things harder or more complicated for people?

Small changes in plans or plan amendment needs to be the norm where small changes occur due to change n circumstances of the participants. There should not be a full plan review where some major repair to AT or even replacement of AT where something has gone wrong. This should apply to even expense equipment failure or replacement. Specialised OT are paid to recommend these item and that should be good enough to move on replacement or repair.

There are many instances where a change of circumstance occurs. These should not automatically generate a full plan review. The NDIA system needs to be flexible in being

able to decide the level of review required. Generally the main issue is collecting all the same documentation again and again when in most instance the advice already collected has not changed.

30. How long should people have to provide evidence that they need the changes they are requesting in a plan amendment?

If participants want a plan review they will collect the required information as quickly as possible. If the participant requests a plan review they want to move on with their lives with the new funding. There are many hold ups due to access to medical and other trained professionals to obtain a report.

I believe the participant needs to update the NDIA monthly on any progress or otherwise. It could just mean the specialist appointment has been made and we are waiting.

The NDIA has to be precise on what they are seeking as further supporting evidence as one does not want the review to become serial collection of information ie once one piece of medical evidence is provided one could move to seeking the next piece.

31. Are there other situations during the planning cycle where a quicker and easier way to make changes may be necessary?

Not answered

32. How else could the NDIA improve the process for making changes to a plan?

I think covered above.

There are some really dedicated hard working people employed at the NDIA.

I think there is just a lack of understanding and major knowledge gaps with many staff. This is particular evident with Specialist Disability Accommodation (SDA) and Supported Independent Living. These are the areas I am involved in. Others may have other areas where there is a lack of understanding of staff in their fields of expertise or company operations.

All the reports will not help one bit until NDIS is staffed with well-trained, knowledgeable people. This includes the lack of knowledge in LACs in the various states and territories. The LACs are being funded to support participants so make them do their jobs.

There are some specialty areas now in the NDIS in SIL and SDA but if these groups do not interact with the broader NDIS planning they are a waste of time.

Given the NDIA Quality and Safeguards Commission are able to generate masses of legislation and require providers to follow and be audited against maybe this review could make a recommendation to engage NDIS Commission to come up with a set of legislation and procedures. External auditors could be engaged to test the quality.