

NSW Government Submission

The Australian Government's NDIS Act Review and Participant Service Guarantee

October 2019



Executive Summary

The NSW Government welcomes the opportunity to provide input to the Australian Government's Review of the *National Disability Insurance Scheme Act 2013* (NDIS Act) and Participant Service Guarantee (PSG).

The NDIS is a significant reform. It aims to lift the aspirations of people with disability so that they can expect enhanced quality of life, have choice and control over how they live, and participate fully in the economic and social life of our nation. The changes for people with disability will have flow-on effects to their families and carers, and contribute to a profound change in how the community understands, and responds to, people with disability.

NSW was the first jurisdiction to sign onto the Scheme in 2012, and enter Full Scheme in July 2018. The NSW Government was Australia's largest commissioner and provider of disability services, and has had the opportunity to consider lessons learned since the Scheme started in NSW in 2013.

The NSW Government supports, and recommends strengthening, the proposed PSG. NSW also recommends broader reforms, relevant to the general operation of the NDIS Act, to support positive experiences for NDIS participants.

The NSW Government's recommendations are:

1. Participant Service Guarantee

- **Strengthen the proposed principles, descriptions and service standards** to deliver better outcomes to participants.
- **Consider additional principles or service standards to enhance the PSG.**
- **Consider broadening the PSG to support participants' experience with the NDIS Quality and Safeguards Commission.**
- **Consider creating a guarantee for citizens who are not Scheme participants, but who interact with the NDIA.**
- **Implement the PSG with adequate resourcing and focus.** To maximise value for citizens, NSW proposes the Review consider establishing an NDIS Chief Customer Service Advocate.

2. Legislative Framework

- **Implement recommendations agreed by the Council of Australian Governments (COAG)** from the 2015 Independent Review of the NDIS Act.
- **Further amend legislation to increase clarity, information-sharing, and public reporting** to support positive experiences for NDIS participants.

1 Participant Service Guarantee (PSG)

1.1 NSW supports, and recommends strengthening, proposed principles and service standards to deliver better outcomes for participants

1. The NSW Government is strongly committed to customer service (see case studies on pages 7 and 10). A PSG will support the NDIS to deliver on the vision of person-centred service.
2. NSW welcomes, and recommends strengthening, the proposed principles, descriptions and service standards, to ensure person-centred and quality service.
3. NSW encourages the Review to consider several refinements, identified below, that would support the PSG to achieve its strong objective.

Timely

4. Consider reframing the principle description to focus on timely decision-making and communication by the NDIA. For example: “The NDIA will make decisions in a timely manner, and ensure all processes and decisions are clear and transparent.” The current description in the discussion paper focusses exclusively on participants understanding NDIS process, which could imply that participants cause delays.
5. Consider adding a service standard: “The NDIA will intervene early to support the best outcomes for participants.”
 - Young children with a disability can miss out on crucial early intervention supports if there are delays in:
 - Accessing the Stakeholder Representative Committee.
 - Being assessed through the **Early Childhood Early Intervention (ECEI) Gateway**.
 - Getting an access decision from the NDIA once recommended for access by the ECEI Partner.
 - Getting a plan approval from the NDIA.
 - The NSW Government encourages widening the window for early intervention.
 - The Commonwealth could consider issuing standardised interim plans of \$10,000 if passage through the ECEI Gateway is likely to take over 50 days. I.e. the 50-day window could start from when a child’s family contacts an ECEI Partner or applies for NDIS access, rather than from the access decision.
6. Other proposals to further improve timeliness:
 - The NDIA could make the **Complex Support Needs Pathway** accessible for circumstances that warrant an urgent response time, such as homeless or at risk of homelessness, exiting custody, and domestic or family violence situations. Urgent decisions could be made within days, if appropriate evidence is provided.
 - The Commonwealth could introduce an **NDIS Young People with Disability in Hospital initiative** – with similar targets and requirements to the NDIS Young People in Residential Aged Care initiative – as part of the Complex Support Needs Pathway. This would help operationalise the *National Hospital Discharge Delay Action Plan*, and maintain a permanent focus on outcomes for young people with disability in hospital.
 - NSW supports the proposed **plan amendment** to speed up NDIS processes where minor changes are required to improve participants’ experience.

Engaged

7. Consider strengthening the service standard by adding, “The NDIA engages with all sections of society and breaks down barriers to participation”.
 - Participant data indicates that key cohorts require more effective support. These include: Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse (CALD), psychosocial disability, and people who interact with the justice system. A service standard would drive inclusion.

Expert

8. Consider adding to the service standard:
 - “Front-line staff are skilled at engaging with people with communication challenges, diverse cohorts, and mainstream systems.”
 - “Back-office staff are trained and adept in administrative decision-making and legislative requirements.”

Connected

9. Consider strengthening the service standard: “The NDIA works constructively and collaboratively with the broader service system to ensure participants receive integrated support”.
10. To boost collaboration between the Commonwealth and state governments, current efforts could be strengthened to:
 - Co-design solutions to service delivery and policy challenges.
 - Improve information-sharing and communication arrangements for individual participants.
 - Enhance system planning through data-sharing between the NDIS and mainstream services.
 - Improve the Critical Services Issue Response (CSIR)¹ to support participant safety.
11. Consideration could also be given to allowing state agencies to prepare and submit applications for prospective participants where a parent or guardian cannot be engaged or located, or where a guardian has not yet been appointed but the applicant is unable to complete an application.

Decisions are made on merit

12. Consider strengthening the service standard by adding:
 - “Participants review NDIS plans before they are finalised.”
 - “The NDIA provides clear advice on the documentation a participant needs to gain access.”²
 - “The NDIS funds reasonable and necessary supports based on information provided and will specify, in the reasons for decisions, the information or evidence gap where a requested support is not funded.”
 - “Delegates provide clear and adequate reasons for all decisions, including plan approvals.” This standard could be further enhanced by being combined with a documented best-practice approach to discretionary decision-making.
13. Simplifying the NDIS plan review process³ and improving the Administrative Appeals Tribunal (AAT) processes in relation to NDIA decisions could help to minimise stress to participants and their families.
 - Consideration should be given to a streamlined mechanism to seek urgent hearings in the AAT, including urgent directions hearings such as in the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT).
 - In NSW, 969 cases have been taken to the AAT.⁴ Of 699 cases that have been closed, 672 (97 per cent) were resolved before the hearing. The outcomes of resolved matters are not reported. Any prolonged decisions, even if the matter is resolved immediately prior to the hearing, can cause stress and added costs to participants and their families.
 - The NDIA could consider:

¹ CSIR formalises escalation processes when critical incidents occur.

² For some people, delays in access are due to the administrative burden of gathering appropriate evidence and information. As at August 2019, 11,500 (12 per cent) of NSW participants waited 181-365 days; 22,817 (24 per cent) waited 91-180 days; and 14,390 (15 per cent) waited 61-90 days [NDIS SAP Status Report, August 2019].

³ NDIS Act, Chapter 4, Part 6, Sections 99-103

⁴ COAG Disability Reform Council, *Quarterly Report*, June 2019.

- Modifying review processes to ensure they are accessible, fair, economical, informal and timely.
 - Reporting regularly and publicly on: the outcomes of all AAT matters, including those resolved before hearings, and the Agency's compliance with the Legal Services Directions.
- All participants who appeal to the AAT could be independently and anonymously surveyed on their experience, and the results published twice per year.

Accessible

14. Consider expanding the description to include people with complex needs, and people with cognitive, hearing and vision impairment.
15. Consider adding to the service standard (and clarifying the relationship with the proposed 'Engaged' principle):
 - "The NDIA communicates in **Plain English** and people only have to **tell their story once**."
 - "The NDIA **consults diverse groups** to support accessibility and cultural safety."
 - "The NDIA **maximises Scheme access, including for under-represented cohorts**."
 - CALD groups, Aboriginal and Torres Strait Islanders, and people with psychosocial disability are currently under-represented in the Scheme.
 - In Quarter Four 2018-19⁵, there were 6,300 Aboriginal participants in NSW. The Australian Bureau of Statistics (ABS) 2016 Census data indicated that 16,491 Aboriginal people in NSW identified as profoundly or severely disabled.
 - 9.5 per cent (9,615 individuals) of NSW participants are from CALD groups. The NDIA's CALD Strategy 2018 expected 20 per cent of participants to be CALD at Full Scheme.
 - 8 per cent (8,068 individuals) of NSW participants have a psychosocial disability. Initial Productivity Commission modelling projected 13.8 per cent of NDIS participants would have a primary psychosocial disability at Full Scheme.⁶
 - CALD and Aboriginal people are highly represented as cancelled clients.
 - For CALD populations in metropolitan areas: 21 per cent of clients were cancelled due to evidence not provided, and 11 per cent were cancelled as unable to contact.⁷
 - For Aboriginal populations in regional areas: 8 per cent of participants were cancelled due to evidence not provided, 14 per cent were cancelled as unable to contact, and 5 per cent were cancelled due to 'phase in decline'.⁸
 - In NSW, cancellations of Aboriginal clients in rural and regional areas is higher. Nineteen per cent of Aboriginal clients in the Far West of NSW have been cancelled due to evidence not provided; 17 per cent in Western NSW; and 12 per cent on the Mid North Coast.⁹
16. The Review could consider other solutions to increase accessibility:

⁵ COAG Disability Reform Council, *Quarterly Report*, June 2019.

⁶ Productivity Commission Inquiry Report 2011, *Disability Care and Support*, Report no. 54, Canberra.

⁷ NSW Department of Communities and Justice analysis.

⁸ NSW Department of Communities and Justice analysis.

'Phase in decline' refers to Ageing, Disability and Home Care (ADHC) disability clients who were assessed as eligible for the NDIS and are not on the Scheme.

⁹ NSW Department of Communities and Justice analysis.

- Improve the **1800 number** so it is easier to access, staffed by people able to discuss a participant’s case, and responsive to participants’ needs. Participants have highlighted long wait-times, and that resolution is often unsatisfactory.
- Consider an **online access process and tracking system** that shows people their progress through access, planning, and reviews, and the statutory timeframes that apply to decisions at each stage.
- Improve the **NDIA website** by:
 - Directing health and disability professionals to forms that assist in providing evidence to support access or planning decisions.
 - Providing clearer advice, through examples and case studies, on what significant functional impairment means, and the evidence required to meet access.
- Introduce **outreach teams** for Aboriginal, CALD, psychosocial disability, the justice cohort, refugees, and families of children with developmental delay.
- **Reduce the number of cancelled and withdrawn clients**, including the high representation of CALD and Aboriginal people as cancelled clients.¹⁰
 - Where an applicant or participant has consented to the NDIA sharing information with mainstream services, the NDIA could consult those services before reversing or refusing access due to the person not responding or being uncontactable.
 - Where access was denied or reversed due to insufficient evidence, the NDIA could explain to the applicant or participant why their evidence was deemed insufficient and what evidence would meet the access threshold.
- Provide an **easy English guide to the legislation**.

Case Study: Service NSW

Service NSW is a customer-centric, one-stop shop model that offers a best practice example for some aspects of the NDIS participant interface. It guarantees good service for everyone who interacts with it – regardless of the service they need – and evolves to meet customer needs through its ‘test-and-learn’ culture.

Background

Since its launch on 1 July 2013, Service NSW has transformed the delivery of NSW Government services. It has served more than 150 million customers since July 2013.

With Service NSW expected to cover 99 per cent of NSW by the end of 2019 (sourced by LGA coverage), the continued roll-out of Service NSW Centres aligns with the Premier’s Priority of making it easier to access Government services and providing integrated Government services.

With an increasing volume, Service NSW has maintained a customer satisfaction score of above 97 per cent while growing its service offering to over 900 transactions across over 50 Government agencies. Service NSW has also led the way in digital adoption to ensure it meets the growing need of customers to transact online, with more than 4.5 million customers having a MyServiceNSW account, and over 40 million digital transactions in 2018-19 alone.

Before Service NSW, there were hundreds of transactional websites, shopfronts and phone numbers, leading to duplication, inefficient processes, a high cost to serve, compliance degradation, and a customer satisfaction score.

1.2 Additional principles and service standards could enhance the PSG’s benefits for participants

17. The NSW Government encourages the Review to consider additional principles to improve customer service and reduce hardship: **person-centred, quality, and transparent**.

Person-centred and quality

18. Customer service is at the heart of the NDIS, and can only be realised through a person-centred and quality approach that values responsiveness to participant needs and circumstances.

¹⁰ The rule that a participant is considered withdrawn if requested information is not provided within 28 days may be contributing to the high number of withdrawn participants, due to the administrative burden of obtaining information in this timeframe. NDIS Act, Chapter 3, Part 1, Section 26 (3)

19. In all actions, the NDIA must consider impacts on participants and their families, and apply best practice standards of administration.¹¹ Service standards could be included that reflect a person-centred approach:
- Participants are treated with dignity and respect, which ensures support for their personal views and values.
 - Participant choices are respected and their independence maximised.
 - Participants' experience and future aspirations are central to their sense of self and are to be respected.
 - Participant relationships are recognised and supported.
20. The Review discussion paper has helpfully framed the participant experience as a journey or life course. This journey, or end-to-end NDIS experience, can be presented in the PSG as a person-centred experience. Some of the hallmarks of a participant-centred planning and implement experience include:
- People are supported to understand the evidence required before their planning meeting. Where the NDIA requires assessments or reports that are not part of a mainstream agency or clinician's remit, the NDIA acknowledges the requirement, and commissions the report or assessment at market rates. Participants would not be required to pay for non-standard reports or assessments, or be disadvantaged by failure to secure supports in a timely manner.
 - Plans also support people by:
 - Incorporating 'what if' situations regarding particular disabilities and needs.
 - Funding contingencies where risks can reasonably be anticipated. This includes emergency repairs of assistive technology.
 - Considering rural/remote implications for participants – for example, transport challenges.
 - Planners are well-informed on the local context – for example, travel costs. Plan funding is flexible to meet participants' needs.
 - Any amendments to plan management options maintain participant choice and control, and are supported by education and resources so participants can make informed decisions. NSW welcomes the Commonwealth's current review of the adequacy of plan management options under the Act.¹²
 - An independent support and oversight process could be implemented for participants without capacity to select NDIS supports and negotiate agreements with providers. This would support participants who can fall through the cracks, such as participants who are in the justice system. This cohort faces additional barriers, such as some providers declining to provide services because of additional risk, low financial returns, and/or the likelihood of disruption to service agreements through re-incarceration.
21. The Review could consider, as part of a 'person-centred principle' a service standard that addresses plan utilisation. Plan utilisation is significantly below expectations, with rates at 68 per cent in

¹¹ Commonwealth Ombudsman. *FACT SHEET: Ten principles for good administration*.

http://www.ombudsman.gov.au/_data/assets/pdf_file/0029/35597/Ten-principles-for-good-administration.pdf

¹² The review is expected to address quality and safeguarding risks for self-managed participants around procurement and use of unregistered providers.

2016-17 and 72 per cent in 2017-18.¹³ The statistics are extremely low in remote (55 per cent) and very remote (39 per cent) communities in NSW.¹⁴

22. One hundred per cent plan utilisation would maximise the opportunity for participants to achieve their goals. To support an explicit target on plan utilisation in the PSG, the NDIA would need to consider:
- **Boosting training and retention of Planners and Local Area Coordinators (LACs).** This includes training in specific types of disability.
 - **Addressing thin market issues**, including by:
 - Improving public information on NDIS processes and requirements.
 - Supporting providers through: differential pricing; subsidised training; and supervision and mentoring. Capacity-building is required to improve support coordination for people with complex needs, and support for participants with challenging behaviours.
 - Developing alternative delivery methods for non-metropolitan thin markets, including telehealth, fly-in fly-out, and new training and skill-setting mechanisms.
 - Collaborating with State and Territory governments, tertiary education organisations, and peak provider groups, to improve communication and develop innovative ways to attract and retain staff.
 - Considering block funding/direct commissioning to support workforce development for identified areas.
 - **Increasing awareness of available supports**, for example by creating an online vacancy management system for Specialist Disability Accommodation (SDA).
 - Commit that, where a participant has under-utilised plan funds by 20 per cent or more in a plan period, and where this is not related to reduced impairment, the Agency:
 - Undertakes a **mandatory review of barriers to utilisation**.
 - Makes a plan to assist the participant to remove barriers and increase utilisation.

Participant satisfaction

23. NSW welcomes the NDIA's recent increase in participant satisfaction measures. To strengthen this further, the NDIA could meet the ISO Standard for market social and opinion research. Satisfaction data could be collected across the participant journey, and tested with multiple aspects of the NDIS. Measures could be administered independently, and both quantitative and qualitative data could be collected to provide a comprehensive picture of the participant journey.

Transparent

24. NSW supports references to transparency in the principle, 'decisions are made on merit'. A standalone principle would increase this welcome focus.

¹³ NDIS Performance Reporting, June 2019.

¹⁴ COAG Disability Reform Council, *Quarterly Report*, June 2019.

25. The NDIA’s policies and guidelines could:
- Include a clear purpose, considerations for the decision-maker, and guidance on the responsibilities of anyone delegated to make decisions.
 - State how they relate to legislation.
 - Be in Plain English to support easy application and interpretation.
 - Be well-communicated to staff and publicly available.¹⁵

26. To support the implementation of this principle or the ‘decisions made on merit’ principle, the NDIA may need to consider making available or publishing:
- Guidance from the NDIA Chief Executive to delegates on decision-making.
 - Any other checklists or operational instructions provided to decision-makers (for example, Standard Operating Procedures).
 - Copies of all documents that the NDIA provides under Freedom of Information provisions to any person or organisation.¹⁶
 - Details of its performance through a balanced scorecard or dashboard. This could be used to illustrate the Agency’s ability to meet timeframes for decisions; an analysis of why applicants were rejected; and details and outcomes of subsequent disputes.

Case study: NSW Behavioural Insights Unit (BIU)

The BIU works across the NSW Government, helping to improve the effectiveness of public services and policy by applying and testing insights about the way people think and act.

Examples:

- **Helping injured teachers return to work** – Time off work is often needed to recover from a workplace injury, but extended time off can worsen health outcomes. To help return teachers to work quickly and safely, BIU partnered with NSW Treasury Managed Fund, insurer Allianz and the Department of Education. BIU simplified and reduced communications to workers; ensured teacher, insurer, and employer responsibilities were clear; and developed positive messages (for example, from “your injury management plan” to “your recovery goals”) and commitment devices focusing on recovery. Case workers were also trained to focus on health and employment outcomes, rather than process requirements. Teachers who received the new BI process returned to work 27 per cent faster in the first 90 days compared to those who received the original process. [Further information here.](#)
- **Helping farmers access drought relief** – In 2018, the NSW Government released a \$500 million NSW Emergency Drought Relief package to help farmers manage the effects of the drought. To improve access to financial assistance, BIU partnered with the Department of Primary Industries (DPI) to improve messaging online and in letters and bills, and to streamline the application process. In partnership with DPI, BIU contributed to the creation of a central online repository, Drought Hub, which improved navigation by chunking key information and accounting for the way people read websites. BIU also revised forms to clarify instructions, simplify and reduce duplicate applications. [Further information here.](#)

27. As noted above, people who are ineligible for the Scheme should be given a clear reason why they did not meet the legislated criteria.

1.3 The Review could broaden the PSG’s reach and make recommendations on implementation

28. The Review could give consideration to the application of a customer or client service guarantee that applies to all community members who interact with the Scheme. The NDIS, through various Partners in the Community initiatives, supports all people with disability, their carers and communities – not only the approximately 10 per cent of people with disability who have NDIS

¹⁵ Ombudsman of Western Australia. *GUIDELINES: Exercise of discretion in administrative decision making*. Revised April 2019. <http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Exercise-of-discretion-in-admin-decision-making.pdf>

¹⁶ The NDIA is required under Section 11C of the *Freedom of Information Act 1982* (FOI Act) to publish a disclosure log on the website. The disclosure log lists information that has been released in response to an FOI access request. The publication of such documents must be done within 10 working days of the applicant being given access to the document(s). In 2017, the NDIA stopped providing links to documents released and now states: ‘*The documents are available on request to the Freedom of Information Team of the Agency at foi@ndis.gov.au.*’

plans.¹⁷ The Review could consider how a wider ‘customer’ or community service guarantee could communicate the principles and standards the NDIA upholds for everyone who interacts with the Agency.

29. The Commonwealth could also consider extending the PSG to the NDIS Quality and Safeguards Commission.
 - An essential part of a positive participant experience is that, in the limited circumstances when things go wrong, a participant is supported to appeal, make a complaint, or have issues resolved.
 - The NDIS Commission is an essential part of the NDIS system – it protects people’s rights, and works to improve the safety and quality of services delivered by NDIS providers.
 - Since the Commission is established under the NDIS Act and plays a key role in participant outcomes, the Review could consider how a PSG could be extended to appropriate functions of the Commission.
 - The principles, descriptions, and some service standards in the discussion paper could likewise be applicable to the important work of the Commission.
 - Applying a PSG to the Commission could assist with ensuring complaints processes are simple, responsive, and trusted.

30. As noted above, the PSG can commit to maintain supports critical to participants’ health, safety and wellbeing.
 - When critical NDIS supports break down, the health, safety and wellbeing of participants, their families and the community can be put at risk.
 - The proposed service standards can apply when critical supports are required (e.g. when a provider relinquishes a participant) or when earlier intervention could prevent acute service need.
 - The proposed service standard for ‘connected’ could be expanded, and the principle, ‘timely’, could include a timely response to critical needs.

31. The success of the PSG depends on robust implementation.
 - Establishing a PSG is an innovative, citizen-centred policy that reflects the high standard of service people with disability, their families and carers duly expect.
 - To support delivery of the PSG, the NSW Government proposes the Review consider:
 - Appointing an **NDIS Chief Customer Service Advocate (CCSA)** to advocate for individual and system changes that promote better outcomes for people with disability. Establishing a CCSA within the Agency would embed a voice for customers and a focus on continuous improvement.
 - Ensuring rigorous and transparent measurement, including outcomes and impacts for participants.
 - Introducing default provisions where standards or timeframes are not met. This includes addressing hardship or costs incurred by participants or their families. I.e. People with disability would not be disadvantaged where the PSG is not met.
 - Training staff to work with participants, their families and carers, and mainstream services to resolve issues associated with any failure to deliver with the PSG.

¹⁷ The NDIS Act states:

- ‘People with disability should be supported to receive supports outside the National Disability Insurance Scheme and be assisted to coordinate these supports with the supports provided under the National Disability Insurance Scheme.’ NDIS Act, Chapter 1, Part 2, Section 4(14)
- ‘The Agency may provide general supports to, or in relation to, people with disability who are not participants.’ NDIS Act, Chapter 2, Section 13(1)

2 Legislative framework

2.1 Changes should be made to clarify and strengthen NDIS legislation

32. The Australian Government should implement the COAG-agreed recommendations from the 2015 Independent Review of the NDIS Act.
33. To further support the COAG-agreed recommendations, NSW proposes further additions regarding Recommendation 5¹⁸:
- Clearly stating the objectives of Information, Linkages and Capacity Building (ILC).
 - Requiring that grants are determined by a body that includes representatives from states and territories.
 - Requiring that the NDIA reviews each grant within six months of completion to identify how initiatives could be improved or applied more widely.
 - Requiring an annual report on the outcomes of grants, the acquittal of funds, value for participants, and opportunities to scale initiatives nationally.

NSW recommends further amendments to increase clarity, information-sharing, and public reporting, to support positive participant experiences

Clarity

34. The Commonwealth could clarify:
- A participant's discretion to use their plan funds while they are in hospital, residential aged care, custody or overseas.
 - That the NDIA is required to fund assessments or reports at market prices where the NDIA requires those assessments or reports and they are not routinely created during a person's care by another service system.
 - Section 25 'early intervention'¹⁹ requirements, in particular allowing access to the Scheme for interventions to mitigate the development of a disability (e.g. psychosocial) into a life-long, debilitating disability.
35. A definition of the term 'financial sustainability' would also be beneficial, including a provision that financial sustainability should never require or permit an NDIA delegate to avoid funding reasonable and necessary supports for an individual participant.

Information-sharing

36. The Commonwealth could add a provision regarding people with disability residing overseas who have been accepted as refugees and are awaiting transit to Australia. The provision could permit:
- The NDIA to accept information and undertake a pre-application assessment of eligibility.
 - Commonwealth agencies (e.g. Department of Home Affairs) to share, by consent, information (including medical assessments) with the NDIA to assist with a pre-application assessment of eligibility.
37. The Commonwealth should allow the NDIA and NDIS Quality and Safeguards Commission to share identified information about participants with mainstream services to identify the need for intervention by the mainstream service.

Reporting

38. Routine and publicly accessible reporting could be bolstered to include:
- Timeframes for all stages of an NDIS participant's lifecycle.

¹⁸ Recommendation 5: Provide greater definition of ILC in the legislative framework.

¹⁹ NDIS Act, Chapter 3, Part 1, Section 25(1)

- Publication of guidance to delegates from the CEO.
- Consulting with participants and other stakeholders on processes and policy, including the publication of all advice from the NDIS Independent Advisory Council to the NDIS Board within 14 days.
- Regular reviews of provider pricing and details of plan utilisation by participants.
- Independent consumer satisfaction survey based on a random selection of new and existing participants.
- De-identified complaints and their resolutions.
- Publication of settlement and other AAT outcomes, de-identified as required, plus independent auditing of those outcomes.

Other

39. The Commonwealth could also consider:

- Referencing the requirement for the NDIA to abide by the Legal Services Directions to act as model litigants.
- Requiring the NDIA to assist individuals to apply for access in a way that addresses barriers they may face as a result of their disability.
- Giving decision-makers discretion to decide in favour of the applicant in exceptional cases where a strict application of criteria would produce an unfair result.