

Review Secretariat
Department of Social Services
GPO Box 9820
Canberra ACT 2610

Via email: NDISConsultations@dss.gov.au

7 October 2021

Dear Review Secretariat

Re: Proposed NDIS legislative changes and the Participant Service Guarantee

Jesuit Social Services welcomes the opportunity to contribute to the consultation on proposed changes to the legislation underpinning the National Disability Insurance Scheme (NDIS).

Jesuit Social Services is a social change organisation that for over 40 years has worked to build a just society where all people can live to their full potential. This submission draws on our experience working with people with highly complex problems, including those with mild to moderate intellectual or cognitive disabilities and other complex needs, including homelessness, substance misuse, involvement with child protection and the justice system, and experiences of trauma, including family violence.

Participant Service Guarantee

We welcome the proposed introduction of the Participant Service Guarantee to cut wait times and red tape, and improve the experience of NDIS participants as recommended by the Tune review. This has the potential to make a significant difference to the lives of the people we work with.

Case study – Melissa¹

Melissa is a 19 year old young woman who has experienced significant challenges with accessing the NDIS upon leaving custody twelve months ago. Melissa has a range of needs requiring specialist service support, including cognitive impairment, mental health issues, drug and alcohol misuse, and involvement with the justice system. When she was released from custody, Melissa was expected to navigate a complex system that she had no prior knowledge of in order to secure an appropriate NDIS package. The complexity of this process and the significant wait times involved has left her without the necessary supports to adequately address the challenges she faces, including her offending behaviour.

Additionally, we are pleased to see that the Participant Service Guarantee will mean that small changes to plans can be made quickly with a low administrative burden. This is critical considering the

¹ All names used in the case studies throughout this submission have been changed to protect privacy.

range of issues we support our participants with such as mental illness, substance misuse, poor physical health, contact with the justice system and homelessness. We highlight the need to ensure that any variations to plans are made in consultation with participants and appropriate support networks, and with their consent.

Case study – Benjamin

Benjamin was referred to Jesuit Social Services after spending time in custody for charges related to burglary. He is 23 years old and has a psychosocial disability. Once accepted into one of our programs, the Specialist Support Coordinator requested a Change of Circumstance Review as his current NDIS plan did not reflect his support needs. Significant delays in processing his review negatively impacted on Benjamin's access to appropriate supports.

Flexibility measures

Jesuit Social Services welcomes the proposed changes to ensure greater flexibility for participants of the NDIS. Flexibility is key to positive participant experiences for the cohort we work with due to the complexity of their needs and the multiple service systems that they engage with.

Participants who we support often find themselves in positions where, due to significant changes of circumstances, transitional supports are urgently required to establish new housing and living arrangements. However, the high volume of evidence that is required to support applications and challenges with sourcing suitable allied health therapists to conduct assessments significantly slows down this process. We hope that, in practice, the proposed flexibility measures will allow National Disability Insurance Agency (NDIA) planners to allocate funding in a timely manner to allow participants to access transitional housing and living supports while suitable long-term living arrangements are explored.

Case study – Mason

Mason is a 23 year old young man who has an intellectual disability and a history of involvement with the justice system. Mason's Disability Justice Worker and Specialist Support Coordinator identified the need to build evidence for a review of his current NDIS plan to support his new living arrangements upon exiting custody. As part of this process, Mason was referred to a neuropsychologist as well as a specialist occupational therapist for a Supported Independent Living package assessment. This was initiated in June 2021 and, five months on, there has been little progress. The lack of flexibility in applying for funding and the delays this can cause is particularly challenging for our staff and young people. In some instances, Jesuit Social Services has seen this part of the process take up to one year.

Further, we strongly support the amendment to the 'Becoming a Participant' Rule that recognises a psychosocial disability can be permanent while being episodic and fluctuating. Currently, participants are required to show they have a 'substantial and ongoing disability need' in order to be eligible for the NDIS. This runs counter to the recovery model widely adopted by mental health professionals that emphasises the episodic nature of mental health conditions. Jesuit Social Services urges the Government to ensure the amended Rule is accompanied by clear guidance on the relevant terms (i.e.

‘appropriate treatment’, ‘managing’, ‘substantial improvement’ and ‘reasonably available’) to ensure consistent and clear decision-making.

Lastly, we highlight the significant challenges faced by people with complex needs, people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander people when navigating the NDIS.

Case study – Elias

Elias is a 19 year old young man with multiple and complex needs. He emigrated with his parents and three siblings from Lebanon when he was ten years old and speaks English as a second language. Elias has an intellectual disability and this, coupled with his culturally and linguistically diverse background, has caused him significant difficulty in accessing and participating in the NDIS.

In improving the accessibility of the NDIS, resources must also be directed to support people with complex needs, people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander communities to understand the NDIS and assist them in both applying for, and participating in it.

We thank the Department of Social Services for considering our views as part of this consultation. We would be pleased to provide further information if required.

Yours sincerely



Garry Roach, Acting Executive Director Programs, Jesuit Social Services