

Consultation feedback:

SSI LAC program has reviewed and provided feedback on the draft NDIS Support List, in response to the proposed 'National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024'.

General Feedback

Whilst the concept of the list and the intended clarity it will provide to the community is supported by the SSI LAC Program, we have identified several areas for further consideration before the finalisation of the list. The feedback below offers insights into how the NDIS can minimise community confusion, clearly delineate the utilisation of both funded and non-funded supports, and integrate a more culturally inclusive and practical approach to supports, services and interventions for NDIS participants. As noted in the Scheme Amendment Consultation Document, the intent of the list is to broadly reflect current practice, including proposed exclusions to items that were never intended to be part of the Scheme. This approach, however, does not address the government acknowledged need for an ecosystem of foundational supports to fill existing service gaps. Without the existing infrastructure of foundational supports in place, mainstream services are widely recognised as ill equipped to meet the needs of people with disability. To introduce and publish this list, focused on introducing further exclusions to current NDIS funding, will remove much needed support from people with disability at a time when there is no alternative. Moreover, the current draft lists do not consider the impact of intersectionality on people's lives, nor address the need for holistic supports relevant to individual contexts. For example, the under-representation of CALD participants and the substantial barriers to service access are widely recognised as ongoing challenges that the NDIA have committed to improving.

In light of this, we recommend:

1. The re-vision of the funding exclusion list to solely reflect items that are currently funded/provided elsewhere within the context of existing services.
2. The lists are presented in accessible formats for all people with disability, including those from CALD backgrounds.
3. The lists include information about the free NDIS plan translation services offered by the NDIS. This service is paramount for participants whose primary language is not English and should be emphasised.

We also recommend the inclusion of the following acknowledgements:

1. That the lists are not exhaustive, and items not addressed will be assessed on an individual needs basis.
2. Nuance will be applied to funding decisions when dealing with the complexity of support needs associated with complex and overlapping disabilities.

Question 1: Do you think the draft list of NDIS supports covers the kinds of disability supports you think should be included?

Whilst the Draft NDIS Support List encompasses a broad array of supports covered by the NDIS; the following additions merit consideration:

- More explicit references to mental health supports, particularly in terms of early intervention services, counselling, and peer support networks. Given the increasing recognition of mental health as a critical component of disability support, it is essential that this area be more prominently emphasised. A stronger emphasis on supports that are culturally appropriate for people from Culturally and Linguistically Diverse (CALD) backgrounds. This might include interpreters, cultural liaison officers, or specialised services that respect cultural norms and practices.
- Inclusion of sex therapy for participants who experience physical, cognitive, social barriers due to reduced functional capacity relating to their disability. With the aim to enhance participants' capacity to engage in sexual relations by addressing various needs including:
 - **Social Skills Development:** Facilitating connection to social, emotional, and relational goals.
 - **Physical Mobility Goals:** Addressing aspects such as positioning, strength, and coordination.
 - **Adaptive Technologies:** Utilising adaptive aids, mobility aids, and adaptive furniture to support sexual engagement. For instance, individuals with neurological degenerative disabilities may require assistance with positioning for energy conservation, while individuals with cerebral palsy who have restricted upper limb function might benefit from adaptive toys.

We are in support that involvement in sex work is not within the scope of NDIS funding. Nevertheless, it is acknowledged that all individuals, regardless of their abilities, possess the fundamental right to engage in sexual relations safely and with dignity. This support should explicitly define the boundaries of funding provided by the NDIS, specifying what will and will not be covered. Additionally, it should account for the intricate nuances associated with overlapping and complex disabilities.

Below are recommendations to expand the existing support categories listed in 'Supports that are NDIS Supports':

Assistance animals

- In the last sentence of the description, consider rewording for clarity. e.g. 'The NDIS will cover a portion or percentage of ongoing maintenance costs, such as...'. Rather than 'Includes ongoing maintenance costs such as....'.
- Include a section of what is not covered. e.g. existing pets, bedding etc. This will assist participants in developing realistic expectations of what is and is not funded.

Assistance with travel/transport arrangements

- In the description include after the first sentence - 'Please refer to set transport levels' - to make it clearer that the NDIS will only pay a set amount and not every transport cost.

Assistive equipment for recreation

- In the description provide more information about only funding benchmark equipment that is reasonable and necessary. Explain that additional modifications or 'wants' not relating to a person's disability needs are not included

Assistive products for household tasks

- In the description include benchmark assistive product examples.
- Provide a clearer definition of 'washing', as a dishwasher and washing machine are in the 'not included section' of this document. This could be left open to interpretation.

Communication and information equipment

- In the description, include specifications around software and apps, and an example of what is not included to avoid misinterpretation. For instance, an iPad is not funded as this is a general living expense. Whereas a more cost effective/purpose suited device could be considered under R&N. While the apps on the iPad/device that increase communication skills are included.

Exercise physiology & personal well-being activities

- In the description, add at the end of the sentence 'relating to your disability' to limit misinterpretation that this is universally provided to all participants.
- Include a section of what is not covered. e.g. exercise physiology recommended for physical health / mental health unrelated to a person's disability. Mainstream services such as referral to chronic disease management plan from GP to be added.

Interpreting and translation

- As mentioned previously, include 'you can request the NDIS to provide a translation of your NDIS plan for free.'

Personal mobility equipment

- In the description, include 'relating to your disability' at the end of the sentence to limit misinterpretation that this is universally provided to all participants.
- Include a section on what is not covered. e.g. Equipment that is not related to your disability.

Specialised driving training

- Clarify if driving lessons are included here and what criteria is required.

Specialised hearing services

- Add criteria to provide more clarity on what defines complex needs.

Specialised supported employment

- Update Australian Disability Enterprise to the new terminology (social enterprise).

Question 2: Are there goods or services on the draft exclusion list that you think shouldn't be there?

SSI recommend the following considerations:

The inclusion of future detail around the 'Carve outs' that are not 'NDIS supports'.

For example,

"Customised Prosthetics (includes Orthotics)

Description

Prescription and manufacture of customised prostheses or orthoses requiring specialist skills.

Carve outs that are not 'NDIS supports'

N/A"

NSW Prosthetic Limb Service (PLS) still provide a standard prosthesis. Therefore, we recommend the mention of the mainstream services available in each state in the 'carve outs' list. There are few more examples of this, such as hearing services.

Please see suggested amendments to the existing 'Supports that are not 'NDIS supports' categories.

Finance and payments related

- Include Income, pension, and assistance with daily living costs (See income replacement section).

Travel related

- Reference companion cards for movies, theme parks, etc. as this provides cost-effective alternatives for participants and their supports

Pet related

- In the pet food reference, include in the brackets 'specific dietary related'.

Mainstream school education + higher education

- Include reference to transport requirements here, e.g. parental responsibility regarding getting their child to and from school.

Income replacement

- To improve the document flow, we recommend this section is moved to align with the 'Finance payments related' section, and includes a reference to income, pension, and assistance with daily living costs.

Question 3: Do you have any further feedback or concerns with the draft NDIS support lists?

The list provides a foundational outline specifying the supports funded by the NDIS and those that are not. However, as previously noted, there are areas where the list lacks sufficient clarity or fails to address crucial gaps in support. The following issues have also been identified:

- To improve clarity, include reference to the related plan budget area a support relates to. i.e. 'Group and centre based activities – Core'. Note: some categories might have two budget areas. An alternative option is to organise the support list alphabetically under the related budget category.
- In each support category that are NDIS supports, add an example section so it is clear what is funded through NDIS. This will provide participants with a broader understanding of what support is available.
- Removing unnecessary information of any 'carve out that are not NDIS supports' sections that are N/A as this makes more unnecessary reading for the user. This will make the document more concise and accessible, with necessary information only.

- Grammatical errors throughout document require reviewing including capitalisation of words, spaces between /, etc.
- Build in flexibility within the support categories to account for the evolving needs of people with a disability. This will allow for more personalised plans that better reflect individual circumstances.
- A comprehensive gap analysis is required to identify areas of support that are currently lacking within the NDIS, mainstream services, and community spaces. This analysis should also propose initiatives to foster growth and development in these identified areas.

At the conclusion of the document, it would be beneficial to include a link to a feedback page, enabling the public to submit their recommendations for future amendments. This would facilitate the identification and closure of any gaps and promote greater inclusivity for any missed opportunities in the initial reform.