

Submission to the Inquiry into the Implementation, Performance and Governance of the National Disability Insurance Scheme

I am writing this submission mainly as the President of LEAD but also as the parent of an adult with a disability. LEAD is a disability service NGO governed by a Board of parents of people with a disability and interested professionals to deliver support to 500 ACT people with a disability.

Lots of good things have come from the NDIS, particularly the provision of support funding for people who previously had none, or not enough. This submission takes that as given, and concentrates on two areas where practical outcomes for ACT participants' services have been negative, as well as one administrative issue that affects participants indirectly but nevertheless significantly. It concludes with some comments on the performance of the planning process for individuals.

To follow up this submission, LEAD will provide separately some case studies that illustrate for anonymous individuals the problems that are described in general terms below.

Supported employment

LEAD would have more people working for its Australian Disability Enterprise (ADE) were it not for the obstacles that people with a disability who want work in an ADE are confronted with when trying to get ADE funding included in their NDIS plans. LEAD knows of a considerable group of NDIS participants who through multiple NDIS barriers or errors did not receive in their NDIS plans support funding to work in an ADE, and by LEAD's initial assessment they could work in LEAD's ADE successfully. LEAD does its best to advise these clients and their families about how the apparent blocking issue or issues might be resolved, but the families themselves are the ones who have to talk to NDIA. They often find the issues difficult and confusing, and still do not succeed in getting employment support into the plan. NDIA does not seem to be committed to resolving the underlying administrative difficulties. We estimate that LEAD could have placed 25 to 30 more people in jobs in its businesses during 2017 if NDIS funding had been provided to them for supported employment. LEAD is being actively solicited by businesses and government agencies wanting us to provide them with contract services that employ people with disability. It has more work on offer than people available to do it.

The above concerns unfortunately come on top of longer standing concerns with administrative inflexibilities that prevent clients from having more than one job within or across NDIS supported employment and DES open employment. If many clients can't get into an ADE in the first place, lack of flexibility to take up more than one employment opportunity isn't a problem that they will encounter. It would nevertheless be of great benefit to participants generally if they were able to shop around and choose the best combination of opportunities for employment available from any ADE or DES provider(s). (LEAD is also a DES provider.)

Reading the 2017 Productivity Commission report suggests the cause of exclusion of supported employment from participants' plans is inadequate understanding of employment issues by NDIA staff during the planning process, but the report gives more attention to the capability of participants and, astoundingly, the only recommendation at end of this section of the report is that NDIA collect data on whether or not participants eligible for individualised supports have employment restrictions. I think this illustrates the lack of consideration that is being given to eliminating this serious constraint on the lives of people with a disability.

Prices paid for supported employment are also inequitable – they are supposed to be based on individual client's capabilities, but in practice they are not.

Personal Development services (“Capacity building”)

Many now former clients of LEAD have not been able to have personal skills development services (“Capacity Building” in NDIS funding terms) included in their plans. Others have had this support significantly reduced as they moved to the NDIS. Why has this happened?

A deduction that I have made from the experiences of families of children with an intellectual disability and/or autism is that the NDIA planning models pay little respect to the support needed for lifelong learning and personal development. It seems common for planners or administrators to assume that an intervention now is sufficient to “fix a problem”. Or worse, an assumption is made that supporting long term learning and personal development for an adult person with a disability is not even worthwhile. The truth is that most people with a significant intellectual disability or level of autism can continue to learn how to better deal with their disability throughout their lives, and it is important that they have the assistance they need to do so. It is not just a matter of teaching something once and then the individual won't need further support. People often have setbacks that disguise this development process, but they nevertheless deserve to have support for long term learning and personal development recognised as reasonable and necessary. As far as I am aware, there is no published information available from NDIA that explains the criteria used in providing Capacity Building in clients' plans.

Clients sometimes have enough money provided in “Core” funding to purchase Capacity Building services, but are prevented from doing this by NDIS' inflexible rules. It is good that participants who self-manage can pay for Capacity Building from their Core budget, and it seems incredible that those with plans managed by NDIA cannot. The same rule needs to apply to all participants regardless whether they are self-managing or not, and this matter needs to be addressed urgently.

LEAD changed its community access service model prior to the NDIS to provide one-on-one service designed to meet individual needs by building skills and capacity for greater independence – not just providing a simple community access activity that takes people out for visits in the community, nor centre based recreational activities (both categorised by NDIS as Core Supports). This left it well placed to provide NDIS funded services in some Capacity Building service categories, including but not only: Increased Social and Community Participation, Finding and Keeping a Job, and Improved Daily Living Skills. However the majority of LEAD's pre-NDIS clients who used these services have found that NDIA will not allow these categories to be included in their plans.

What has happened for the NDIS participants who have been refused developmental services? I expect they are instead receiving Core support from organisations that provide it. This is of course important, but it is not the same as targeted skills developmental support.

I wonder whether developmental services were more available in the ACT prior to the NDIS than in other states, and rather than extend this service to participants nationally, NDIA prefers to step back from it in the ACT?

Service pricing

Another issue is the maximum allowable service prices set by NDIA. LEAD is concerned – along with most of the service sector – that the NDIS pricing schedule is not adequate to cover actual costs of employing staff to deliver services. We note the issue is currently being reviewed by NDIA, and if the outcome is not reasonable, there is a serious risk that agencies will be forced to close services that are not financially viable.

Low prices are also closing in further on LEAD's Capacity Building services, which are provided in a one-to-one client to support worker setting. At its 2017 review of price levels, NDIA did provide an increase in the price for Core services to cover basic cost increases but excluded Capacity Building from relief for those same cost increases. It seems that NDIA is bearing down on Capacity Building services from both the supply and demand directions.

At one of the consultation meetings for the review referred to above, I heard LEAD's CEO and others describe basic inadequacies in NDIA's pricing practices that had been pointed out repeatedly but apparently ignored by NDIA since the original pre-NDIS consultations.

Pricing may seem to be an issue principally for service providers, but NDIS participants bear the consequences when the providers simply cannot supply at the prices set by NDIA the services that participants seek. Services providers have to withdraw uneconomical services, and participants' choice of service is reduced.

NDIA's originally stated intention was to move to an open market for service provision. LEAD would be happy to compete in such a market for both Capacity Building and Core services. There is, however, little sign of NDIA being prepared to proceed with this. It has spoken of the need for the market to mature, apparently in the hope of new services entering the market, but the actual change in the ACT has been a thinning of the market supply.

Planning

The common experience of "planning" discussions between the client and NDIA during 2017 was that there is little if any direct discussion of the client's reasonable and necessary support as it is understood by the client. The time was spent instead in asking computer generated questions arising from apparently inappropriate "models" that generate plans in an automated way. These plans were delivered to clients in terms of dollars in broad categories, without explaining the specific support needs that have been recognized and funded, and clients are generally refused the opportunity to seek clarification or ask for oversights in the automated planning process to be addressed quickly. The on-the-ground outcome seems to be a drive to minimise costs through automation, without properly recognising client's individual needs.

These issues have been aired in the Productivity Commission's 2017 report and the NDIA seems to be responding. The on-the-ground outcome is not yet clear.

Yours sincerely,

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