

Dear Members, Clients and Community,

Please see the attached summary of the NDIS Review and the announcements made by Minister Shorten. Below is a summary of the findings and recommendations, along with IdA-specific notations.

You can watch the full address to the Press Club here:

<https://iview.abc.net.au/show/national-press-club-address/series/0/video/NC2312C030S00>

You can view the full NDIS Review Here:

<https://www.ndisreview.gov.au/resources/reports/our-final-report-guide-people-disability-and-their-families-2023>

The Review Begins with:

***Develop a unified system of support for people with disability.***

### **Foundational supports**

Whether your preferred metaphor is an “oasis in the “or the “only lifeboat in the ocean”, it's widely accepted that there's a shortage of support available for people not eligible for the NDIS; this is especially apparent in the Northern Territory and Remote Communities.

There will be two types of foundational supports:

- **General:** Things that all people with disability can access, including Information, advice and capacity building, systemic advocacy, peer support, and disability employment services. Our question is, will these foundational supports be available in the NT and Remote Communities?
- **Targeted:** For people with lower-level support needs who are not eligible for NDIS. Supports can include:
  1. Home and community care
  2. Aids and equipment
  3. Psychosocial supports
  4. Early intervention of kids with developmental delays
  5. Support for young people navigating key life transitions.
  6. Support navigating all these supports.

We welcome these types of supports and look forward to being able to assist people to access them.

National Cabinet reached a landmark agreement that will see the Commonwealth, states and territories all pitch in to fund foundational supports. Minister Shorten described it as an “example of political systems actually working.”

How this will work in the context of the Northern Territory, with its vast area, complex issues and low numbers of residents, is still to be revealed.

### **Improve the participant experience of the NDIS.**

The NDIS Review partly came about because many people with disability were reporting rather poor experiences of the NDIS. The NDIS Review has recommended a number of changes to the participant pathway, including:

- **Access and Eligibility:** More consistent and robust methods for making eligibility decisions, measuring functional capacity, and creating a new access form and guidance materials.
- **Assessments:** Develop a new assessment process to better evaluate a person’s support needs. At the Press Club, Minister Shorten emphasised that this process would be very different from the Independent Assessments (IAs) proposed by the last government. Assessments would be conducted by a Needs Assessor, who is a trained allied health professional, social worker, or has similar disability expertise. The Needs Assessor would be the funding decision-maker. The assessments would not be time-limited, and participants would have an opportunity to provide input on the findings. This is a welcome change and one of the requests IdA made in its People and Culture Submission.
- **Planning:**
  - Setting budgets at a whole-of-plan level rather than line-by-line
  - Plans will be made of three components: flexible budget (based on assessments), home & living, and assistive technology/ one-off capital.
  - Adopt a trust-based approach to oversight of how people use their budget. I am unsure how this will work if you manage your own funds. This might be viable as most of IdA’s clients do not manage their own funds.

### **Replacing Support Coordinators, Local Area Coordinators (LAC) and Psychosocial Recovery Coaches (PRC)**

One of the most substantial recommendations in the Report is replacing existing Support Coordination, LAC and PRC services with the introduction of a new ‘Navigator’ function. The Navigators’ role underpins many of the other recommendations, with a much greater focus on

support and people outside the NDIS than our current intermediary roles. Here's what has been proposed:

- Navigators would be responsible for things like supporting NDIS participants and other people with disability to connect with mainstream services, apply for the NDIS, implement their NDIS plans and more.
- Specialist Navigators would be responsible for supporting people with more complex life circumstances.
- They would be commissioned and funded by NDIA, outside of participant plans (likely by tender). The idea of this is to allow the amount of support to flex up and down as people need it, rather than the current set-up of a fixed number of hours set in advance.
- Psychosocial support and support to navigate home & living would be additional services Navigators provide.
- Every NDIS participant would be able to access a Navigator.
- There is a strong focus on Navigators being local to their communities, based out of 'hubs' where possible and with strong local connections.
- They would be independent from other service delivery and would have nationally consistent governance, branding, online services, information management, monitoring and training.
- There would be a gradual transition to this new approach, including significant consultation with the sector, pilots, and efforts to transition the existing support coordination, LAC workforce, and capability to this new model.

IdA's concern here is that many Coordinators of Support (COS) provide what is essentially Case Management, and if the COS does not provide Case Management, then the SIL provider or other service provider does but cannot charge the time it takes to provide Case Management. A person with complex needs requires support, not support to attend the grocery store or a doctor's appointment, but support to understand what they have, options and needs, The ability to review what has worked for them and what they would like to achieve in the future, this is person-centred case management. Our concern is that a National, Computer-based "Navigator" will be appointed, and any person-centred support will not occur. People with difficult, complex lives require a person-centred approach, someone who has the time to listen, explain and develop ideas and a plan.

### **Making mainstream services better for people with disability**

It's probably not that controversial to say that support for people with disability delivered by other government departments, such as Health, Justice, Education, etc., have, as a general rule, not met expectations. People with disability have become increasingly reliant on the NDIS because the rest of the government has let them down.

Consequently, the Review recommends:

- Improve educational outcomes for children with disability.
- Allowing NDIS participants who turn 65 to receive funding for support through aged care and NDIS at the same time.
- The Commonwealth, states and territories develop unified and contemporary disability rights, inclusion and discrimination legislation- this relates quite well to the Disability Royal Commission's recommendation for a Disability Rights Act.
- Build out the National Injury Insurance Scheme as designed by the Productivity Commission
- All of the government adopts Disability Impacts Assessments
- A Disability Intergovernmental Agreement to replace the Applied Principles and Tables of Support
- A strategy to improve the ecosystem for First Nations people with disability.
- Cease the use of 'in-kind' arrangements in the NDIS.

### **Better support for decision-making**

The Review has recommended that people with disability receive more support to make decisions about their lives. People should be provided with more accessible information and capacity building support. Plan nominees should also be provided with training, and there should be more oversight over their decisions.

### **Support for children**

The Review wants to see more support available to children in their own environments. It says a joined-up continuum of support for children with disability and developmental concerns is an urgent priority for all governments.

- At the base of this continuum is *mainstream* support, including proposals for national developmental monitoring and screening (reducing the need for expensive assessments) and inclusion in early childhood education, care, and schools.
- Layered on this would be *foundational supports* of capacity building for families and evidenced-informed best practice supports.
- Specialist support from the *NDIS* would still be available to those with higher support needs but should be accessed through a fairer and more transparent access process. The Review wants children to receive a budget based on support needs determined through child-centred assessments rather than being driven by diagnosis.

The Report iterates that early intervention supports for children should be based on the evidence of what works to give children and families their best life and recommends:

- All providers of capacity building support in the early childhood approach be registered to ensure uptake of best practice.
- This would be complemented by a consistent approach to ongoing monitoring and evaluation of the effectiveness of early intervention for children.

### **Supports for people with psychosocial disabilities.**

The Review recommended changes to how the NDIS supports people with psychosocial disability, particularly to ensure a focus on personal recovery and independence. At the Press Club, Minister Shorten emphasised that people with psychosocial disability will continue to be supported by the NDIS. This was good news for IdA members and the NT community.

- The majority of people with psychosocial disability entering the NDIS would enter through a specialised early intervention stream and transition to “lifetime supports” if and when it’s appropriate.
- Providers of psychosocial supports must be registered and will have to comply with a new specific Practice Standard
- Greater coordination with public mental health care

The Review also recommended all of government improve supports for people with psychosocial disability, including as part of foundational supports.

### **Home & Living**

The Review also had a number of changes to Home & Living, many of which have been quietly introduced already over the last little while. Recommendations include:

- A new Practice Standard should be introduced to mandate the separation of housing and tenancy.
- Change the budget setting process to make sure it is ‘consistent and sustainable’, with the recommendation that funding for participants requiring 24/7 living supports should typically be based on an average shared support ratio of 1:3. IdA’s concern here is we have members and clients who have families, are in relationships, we are not sure what this recommendation would mean. Even if a person needs 24/7 care, they still have a right to privacy and interpersonal relationships.

- People should only be funded to live alone (no shared supports) in specific circumstances such as where there is evidence of risk to self or others from living in a shared arrangement, participants with dependent children, and those with very complex needs.
- Create a process where people can try living arrangements before committing to them.
- Create a function that allows people sharing supports to exercise joint decision-making and pool their funds.
- Remove the Improved Livability Specialist Disability Accommodation (SDA) design category and review the other categories. Additionally, to create a new SDA category for people living in shared accommodation but not eligible for other categories.
- NDIA, in collaboration with states & territories, should commission SDA when needs are not being met by the private market.
- All governments should develop a strategy for 'upgrading or repurposing' ageing SDA stock owned by states & territories.

### ***Markets and support systems that empower people with disability.***

#### **Investments in technology**

There are multiple recommendations relating to suggested technology improvements for the NDIS, including a centralised platform for finding supports and a fully electronic payment system that would allow people to pay all providers, regardless of their registration status. IdA is not sure how this recommendation aligns with the recommendation that all providers of services need to be registered. It would also mean that the person with disability would be able to access and navigate an online system on their own because there would no longer be a COS to assist them.

#### **Plan management**

The Review suggests that the introduction of this digital payments system will reduce the need for plan managers overtime, with a strong implication that they will not be needed at all once the system is fully operational. This is major news for plan management providers. It's important to stress here that the Review has been clear that these changes will not happen overnight and should be "coordinated well and communicated clearly and early". IdA's concern is that many insurance companies have gone into Plan Management, and they will now have to reconsider providing this service; what happens if they transition out faster than the new platform transitions in?

#### **Pricing**

The key recommendation on pricing is that the NDIA should hand over responsibility for pricing to the Department of Social Services and the Independent Health and Aged Care Pricing Authority (IHACPA). The Review suggests that these bodies establish a new pricing and payments framework

that takes less of a 'one size fits all' approach to better reflect the costs associated with factors like supporting people with more complex needs, those in different regions, in group-based settings, training, workers compensation, liability insurances and other indirect labour costs. The Review did not make specific recommendations on the price limit of any supports.

## Risk-proportionate regulation

The Review has answered the sector's calls for more proportionate regulation, proposing four broad categories of regulation based on risk. In the Press Club address, Minister Shorten didn't mince his words when clarifying that the NDIS will no longer continue to pay unregistered providers. The new proposed approach would require all providers to either be registered or enrolled to work in the NDIS. If implemented, this is how it is proposed to work.

- **Advanced registration:** At the highest end of the regulation scale, we have *advanced registration* where supports are considered high-risk or require high-level technical competence. For example, support delivered in high-risk settings such as group homes. These providers would be required to have observational audits against both general and support-specific standards - we imagine this would look similar to the current approach of core plus specialist modules.
- **General registration** would be for medium-risk supports, applying graduated approaches to regulatory requirements based on risk, including observational and/or desktop auditing. For example: High-intensity daily personal activities and support that include significant 1:1 contact with participants.
- **Basic registration** is proposed for all lower-risk supports, applying lighter-touch registration requirements that sound similar to the current verification pathway. However, the services that are in scope look to be far wider and include sole traders and smaller organisations, social and community participation, and those who have limited 1:1 contact with participants. The Review suggests this basic registration would be based on a self-assessment and attestation of compliance with Practice Standards rather than an audit, which will no doubt be welcome news for many of the small guys.
- **Enrolment** is a new alternative to registration and would be a simple, light-touch online process for providers of the lowest-risk supports to enable full visibility of the market. Minister Shorten confirmed in his address today that the intention is for all service providers to be visible to the NDIA and NDIS Commission (or new body - more on that later). The Review says this would apply to supports where general protections under Australian Consumer Law are sufficient, such as consumables, equipment, technology, and home and vehicle modifications.



IdA supports registration; it provides a level of protection for the person with disability, but IdA also recognises that people have supports they have chosen and whom they do not want to lose because of these changes.

### **Mandatory Worker Screening**

Under the current system, only workers of registered providers in risk-assessed roles are required to undergo mandatory screening. Under the proposed NDIS 2.0 this would continue to apply to all registered providers (with a wider registration net across the three above categories), as well as to workers of enrolled providers that directly deliver specified services or have more than incidental contact with people with disability.

### **Mandatory NDIS Practice Standards**

Currently, all providers are required to comply with the NDIS Code of Conduct; under these proposals, all providers would also need to comply with the NDIS practice standards (noting not all providers will be audited as above).

### **Reduction and elimination of restrictive practices**

The Review has called on efforts to urgently reduce and eliminate the use of restrictive practices.

- It wants to see a joint government plan to collaborate and enforce corrective action against providers that use restrictive practices as well as review practices that may be harmful. This would align with the National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector.
- It calls for immediate action to enable the sharing of information, nationally consistent authorisation, banning prohibited practices and stronger compliance action against providers inappropriately or illegally applying restrictive practices.
- Key priorities include working with behaviour support practitioners and providers to urgently improve the quality of behaviour support plans, enhancing quality of life for participants and eliminating poor provider practices. IdA supports this, but we are concerned that behaviour support plans are often not updated, and appointments are hard to come by, we hope that building the workforce or alternatives to behaviour support plans will be implemented.
- A clear action plan is needed that prioritises practice leadership and behaviour support practitioner capability uplift, ensuring that regulatory and market settings support best practice.
- The Review says there needs to be further consideration of alternative models for funding providers to develop and implement behaviour support plans to ensure timely access and adequate funding for quality behaviour support.



## **Regulating the full ecosystem**

The Review calls for a Disability Support Ecosystem Safeguarding Strategy to coordinate safeguarding activities across the disability support ecosystem (including foundational supports) with strong connections to mainstream regulators.

- They have recommended that a Disability Supports Quality and Safeguarding Framework supersede the 2016 NDIS Quality and Safeguarding Framework to provide full oversight.
- The NDIS Quality and Safeguards Commission to be expanded to a National Disability Supports Quality and Safeguards Commission which regulates all Australian Government funded disability supports.

## **Stewardship of the united ecosystem**

Going way beyond the bounds of the NDIS, the Review recommends changes to the way that governments collaborate on disability to ensure every dollar of disability funding is well spent and delivers benefits for people with disability. To achieve this, the Review proposes the creation of a new Disability Intergovernmental Agreement (IGA), which would include:

- Shared responsibilities for an inclusive and accessible Australia consistent with the UNCRPD
- Clearer funding arrangements in a new multilateral Federation Funding Agreement, reinforcing shared accountabilities for mainstream services, foundational supports and the NDIS.
- Rebalanced incentives, roles and responsibilities across governments to ensure risk and investment is shared.
- Creation of an independent body and processes modelled on Closing the Gap, including people with disability, to report on progress in meeting government commitments and on creating an inclusive Australia.
- A dedicated schedule that shows how governments will prioritise and uphold commitments to First Nations people under the National Agreement on Closing the Gap and UNDRIP
- A performance reporting framework to measure agreed performance targets in the Disability Support Outcomes Framework

A proposed Disability Outcomes Council would independently hold all governments accountable for investment, delivery and outcomes and give people with disability certainty that the right supports are available when they need them.

The Review also calls on all governments to invest more to enable better research, evaluation and knowledge translation. This will help demonstrate the value of the NDIS to governments and taxpayers and help participants meet their goals through innovative and evidence-based supports.

## **A five-year transition**

The Review has recommended that the government learn from the rollout of the NDIS, which was criticised for its focus on short-term targets and unrealistic deadlines. They suggest a five-year transition period for their recommendations and a careful focus on the sequence with which changes are implemented.

Some recommendations that they highlighted for short-term action include foundational supports, updating access guidance, and workforce measures. Access request systems are already starting to change, the Local Area Coordinator process has started, and APM is providing this service in the Darwin area. However, applying online or downloading an access request form is not available. It forces people to go to APM, and if you don't want to or can't, then we are not sure what is available to you, as a phone appointment is the only alternative at this point in time.

They also suggested the process should be genuinely designed with people with disability and that existing participants should have a smooth transition.

While IdA supports the report and its intention, we remain concerned for clients who do not have the capacity to navigate the change, technology and systems and hope to see future resolutions that appropriately support all people equally.

Beyond this, we will continue to support people with disability through individual and systemic advocacy wherever possible.