

Joint Standing Committee on the National Disability Insurance Scheme
PO Box 6100
Parliament House
Canberra ACT 2600
Email: ndis.sen@aph.gov.au

Dear Committee members,

RE: Joint Standing Committee on the National Disability Insurance Scheme NDIS Planning Inquiry

The Brotherhood of St Laurence (BSL) writes to respond to the NDIS Planning Inquiry. As an independent non-government organisation with strong community links that has been working to reduce poverty in Australia since the 1930s, the BSL has a strategic focus on building community inclusion. This commitment is reflected in our role as a Local Area Coordination (LAC) and Early Childhood Early Intervention (ECEI) provider for the National Disability Insurance Scheme (NDIS) in the North Eastern Metropolitan, Hume Moreland, Western Melbourne and Bayside Peninsula areas in Victoria. Through our Research and Policy Centre and in partnership with the Melbourne Disability Institute of the University of Melbourne, the BSL also undertakes research to inform the successful implementation of the scheme.

The NDIS is a once-in-a-generation social policy reform. Its promise of choice and control and person-centred support is enshrined in the *NDIS Act (2013)*, which affirms the right of people with a disability (alongside their families and carers) to ‘determine their own best interests and make decisions that affect their own lives’ (17A (1)). This transformative potential is in many ways contingent upon the quality of the planning process as a key determinant of both the success and the sustainability of the scheme.

However, longstanding issues with the adequacy and quality of plans are well documented. Among others the Productivity Commission’s 2017 NDIS costs inquiry found poor quality planning impacted administrative efficiency and allocative efficacy, as well as participant satisfaction and outcomes.¹ Many participants and their families report feeling overwhelmed, confused and disempowered by the planning process as a result of too little time to build their understanding of the NDIS, the inability to view a draft plan, and the lack of

¹ Joint Standing Committee on the National Disability Insurance Scheme 2019, *Progress report*, JSCNDIS, Canberra; Mavromaras, K, Moskos, M, Mahuteau, S & Isherwood, L 2018, *Evaluation of the NDIS: final report*, National Institute of Labour Studies, Flinders University, Adelaide; Productivity Commission 2017, *National Disability Insurance Scheme (NDIS) costs*, study report, Productivity Commission, Canberra.

communication and transparency regarding decision making.² A 2016 audit by the Australian National Audit Office on the management of the transition to the NDIS found that the rate of unscheduled plan reviews and appeals to the Administrative Appeals Tribunal has far surpassed expectations, placing significant pressure on the NDIA and creating additional stress and frustration for participants.

The NDIA has been working on addressing issues with the planning process since 2017. A new planning pathway is being progressively rolled out, as well as increased staff training and specialised processes and enhancements for particular groups, including those with psychosocial disability, complex support needs, children, participants from CALD backgrounds and participants from Aboriginal and Torres Strait Islander backgrounds. While these improvements are welcome, the planning process remains far from adequate.

A high-quality planning process would ensure plans are directed by participants, tailored to their circumstances and goals, and promote active citizenship through leveraging unfunded community supports. As the end of the national NDIS transition period approaches, there is an opportunity to ensure that the design and administration of the planning pathway adhere to both the NDIS Act and the principles of person-centred planning.

To inform the improvement of planning under the NDIS, in 2018 the Brotherhood of St Laurence conducted a comparative research study of the NDIS planning processes being used by BSL LAC Partners in the Community.³ Drawing on interviews, focus groups and surveys with 115 LAC staff and participants, the research examined planning in relation to administrative efficiency and scheme sustainability, adherence to the NDIS Act and adherence to person centred planning principles. The research represents a particular point in time, and we recognise that there has been considerable work undertaken at the agency to improve the planning process. Nonetheless, our findings (summarised below) remain relevant. These findings relate to **participant involvement in planning processes and the efficacy of introducing draft plans** (Inquiry Terms of Reference (e)). They also indicate that there are additional factors – not directly raised by the Inquiry – compromising the planning process, including LAC KPIs, an overreliance on Typical Support Packages (TSPs), and a failure to consistently include and activate informal community supports.

Issues with the NDIS planning process

Before we detail the findings of our research, it is useful to outline how NDIS plans are developed. While there are several variations of the planning pathway in operation nationally, it generally involves three groups with responsibility for different stages of the process: the participant and their family, carer(s) and/or advocate; an LAC or ECEI staff member; and a delegate from the NDIA.⁴

LAC/ECEI staff work in partnership with the participant (and their family or carer) to identify the goals and aspirations they want to work towards over the duration of their plan (captured in a ‘statement of goals and aspirations’). The LAC/ECEI staff member also gathers information and evidence about the kinds of funded supports a participant needs to achieve their goals, as well as the ‘informal supports’ (provided by carers, family or friends) they may have in their life. The LAC/ECEI staff member then submits the

² National Disability Insurance Agency 2018, *Improving the NDIS participant and provider experience*, NDIA, Canberra; Productivity Commission 2017, *National Disability Insurance Scheme (NDIS) costs*, study report, Productivity Commission, Canberra.

³ The research was carried out as an internal project for service improvement purposes and has not been published.

⁴ Variations in planning processes are due to the staged roll-out of the NDIS, whether a local LAC/ECEI provider is available, and the date when LAC/ECEI providers were commissioned. Additionally, under the Complex Support Needs pathway recently rolled out, the planning process for participants with complex support needs is entirely handled by specialist NDIA planners (as opposed to jointly by LAC/ECEI providers and the NDIA).

statement of goals and aspirations and the information on required supports to an NDIA delegate, who is responsible for approving (or not) the plan and sending it to the participant.

Planning decisions need to be made collaboratively if they are to empower participants and their families

Many participants in our research experienced this planning process as disempowering and opaque, with very little communication or transparency between the NDIA, LAC/ECEI staff and participants and families. While LAC/ECEI staff worked collaboratively with participants and their families to develop plans, they could only provide limited information about the plan approval processes. Participants reported having little knowledge of the length of time it would take to have a plan approved; limited if any knowledge of the plan approval and amendment process; and limited knowledge of who to contact to address problems with the plan. Participants do not see a draft plan and do not meet or speak to the NDIA delegate approving their plan; and there is limited communication between the NDIA delegate and LAC/ECEI staff member. This was succinctly expressed by one of the participants of our study:

You talk about a rapport ... you [the participant] have a two-hour meeting with a person [LAC staff]. You never see them again, so really the rapport building is quite minimal ... They [LAC staff] then put together the plan based on that. It then goes into the behemoth of the NDIS to a planner who has never seen you or anybody else. You don't know who this person is. There's this huge brick wall there. Even the LACs don't have access to whoever the planner is, and they then make all the decisions, so the LAC, from my understanding, can really write whatever they want, but they're not the ones making the decision. (NDIS participant)

NDIA planners often base decisions about the inclusion or exclusion of funded supports on TSPs (rather than the circumstances of the participant, resulting in participants receiving plans that do not match what they discussed with their LAC staff member. This creates significant confusion and distrust between LAC staff and participants, undermining the relationships that are critical to good planning outcomes.

Allowing participants to view a draft plan is critical to empowering them with choice and control—as consistently stated by advocates, participants, families and many others—and should be implemented immediately. Doing so would help reduce the incidence of issues raised by this Inquiry, such as plan gaps and unscheduled reviews. However, draft plans need to be complemented by more opportunity for communication and collaboration between participants and their families, the LAC/ECEI staff member working with them, and the NDIA delegate approving their plan.

Plans need to be person-centred and take into account participant and family context

Planning needs to recognise not only any functional impairment experienced as a result of disability, but also the person's context – their family, friends and carers; the community they live in; and their strengths and interests, as well as any other challenges they may be facing.

Critically, plans are often too narrowly focused on the funded support needs of the individual alone, to the exclusion of what families need to build resilience and continue to support their loved ones. Given that the NDIS is predicated on families continuing to provide up to 60 per cent of care, family-centred planning is critical for not only good participant outcomes, but for scheme sustainability.

Understanding a participant's context as part of the planning process requires adequate time to build trust and relationships between participants (and their families), LAC/ECEI staff and planners. However, contractual KPIs for LAC/ECEI providers work against the development of these relationships. KPIs relate to the number of days elapsed between steps in the planning process, driving efficient throughput rather than quality planning. This is compounded by the overreliance on TSPs by NDIA planners to decide the components of participant plans, rather than an understanding of the participants. This was highlighted by an LAC staff member:

I know the agency's under flak to reduce the amount of unscheduled reviews as well. It benefits everyone not to approve a plan before you've got all of the stuff that you need. Essentially, we're just trying to approve them to meet these magical KPIs because it's part of the contract that we signed, but it's not doing anyone any benefits. It's increasing our workload [and] the agency's [NDIAs]. You're not getting the participant what they want and they're having to jump through hoops and through the review process. (LAC staff member)

Plans need to place greater emphasis on the role of communities and unfunded supports

Planning currently prioritises funded supports, often to the exclusion of unfunded community and informal supports. Existing KPIs focus solely on planning (as highlighted above), limiting LAC/ECEI staff time and incentives to find local solutions, assets and supports that address participant goals and provide sustainable ongoing relationships in the community.

To achieve their aspirations—and the objectives of the NDIS—people with disability need to be encouraged and supported to be active citizens in their community, however they may define it. This is also fundamental to scheme sustainability, as the NDIS is predicated on leveraging these informal supports and on community inclusion. For this to happen, a much stronger focus on the role communities play in enabling the social and economic inclusion of participants is needed—both within the planning process and in LAC/ECEI providers' work more broadly. To support this, LAC/ECEI staff need sufficient time to develop a presence and understanding of the community assets that are available, and to work with participants to build capacity and implement their plans.

Directions for improvement

We recommend the following directions for reform to improve the quality and effectiveness of planning outcomes under the NDIS:

1. The design and administration of the planning pathway needs to be underpinned by person-centred planning principles to ensure participant and family involvement and ownership, starting with the introduction of draft plans.
2. Planning needs to be seen as a continuous process—not a time-limited activity—so that effective relationships and capacity can be built.
3. KPIs need to be revised to value both throughput and the quality of the participant planning experience and outcomes. They need to be holistic; KPIs that measure part of the work tend to lead to an undervaluing of the work that is not included.
4. TSPs should be used as a reference for populations rather than as a tool for allocation of funds to individuals.

The Brotherhood stands ready to assist the Committee in its work. Please contact my office on (03) 9483 1364 if we can help further.

Yours sincerely

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