Australian Government

Australian Government response to the
Joint Standing Committee on the National Disability Insurance Scheme (NDIS) report:

Inquiry into Supported Independent Living

August 2020

Introduction

The Australian Government welcomes the Joint Standing Committee on the National Disability Insurance Scheme (the Committee's) report to the Inquiry into Supported Independent Living (the Report).

The Report contains 45 recommendations to improve the participant experience with the National Disability Insurance Scheme (NDIS) and the current processes and oversight of the scheme by the National Disability Insurance Agency (NDIA), the NDIS Quality and Safeguards Commission (NDIS Commission) and the Department of Social Services (the department).

The recommendations cover a number of elements of Supported Independent Living (SIL), including:

- The process for determining the SIL needs of participants
- The length and complexity of the SIL quoting process and the lack of participant involvement
- Limited public information and guidance on the provision of SIL
- Funding for SIL
- Oversight of participants accessing SIL services
- Issues with the vacancy management process
- Availability of decision support and advocacy for people seeking SIL.

The NDIA is currently undertaking significant work to reform the approach to SIL alongside other home and living supports available to participants under the NDIS. This includes more fundamental changes that will benefit participants and the NDIS through increasing flexibility for use of funding, increasing support for decision making and further promoting alternative support options.

From 1 July 2020, the NDIA has commenced using price limits for Assistance with Daily Living (ADL) for SIL, replacing the current approach so that providers no longer need to submit a quote. These price limits have also been applied to any open SIL quotes awaiting approval. The NDIA is conducting a review of SIL price controls and new SIL-specific price limits will be included in an updated Price Guide released later in 2020.

The NDIA is also working to strengthen participant input into the SIL process so that before a plan with SIL supports is approved, the participant (or their nominee) will be asked to confirm they have had an opportunity to see and provide input to their Roster of Care (ROC).

The Government is committed to providing participants with a range of choices in regard to home and living, including Individual Living Options (ILOs), and through the NDIA, will increase support for decision-making to facilitate these choices. The NDIA is developing an overarching Home and Living policy to support these changes and will consult widely on changes to SIL and the wider policy over the coming months.

The Government supports, or supports in principle, 25 of the recommendations made in the Committee's report. Given the ongoing reforms to the provision of SIL being progressed by the NDIA, the Government notes the remaining 20 recommendations made by the Committee.

Inquiry into Supported Independent Living

Recommendations made by the Committee

1. The committee recommends that the NDIA ensure immediate access to funding for all assessments required to support applications for reasonable and necessary supports, and in particular to support applications for SIL.

Supported in principle

The Government recognises the need for immediate access to funding for NDIS participants to support applications for reasonable and necessary supports. The Government is committed to introducing fully-funded Independent Functional Assessments (IFAs) to support better and more consistent decision making.

IFAs will be undertaken by qualified independent assessors, who will utilise evidence-based functional assessments to understand the impact of a person's disability. The results of the assessments will form part of the evidence the NDIA will consider when making decisions regarding access and plan funding.

For current participants, the NDIA provides reasonable and necessary levels of funding in plans, which can be used for assessments to provide additional information to support other reasonable and necessary decisions, including in relation to SIL.

2. The committee recommends that the NDIA clarify the assessments required to support an application for SIL funding.

Supported

The Government recognises the importance of providing clarity to NDIS participants, particularly with respect to assessments required to determine reasonable and necessary supports. The introduction of IFAs will ensure participants and people seeking to access the NDIS have access to fully-funded assessments.

On 30 June 2020, the NDIA published a new SIL Operational Guideline, which provides guidance on what SIL is and how to access SIL once it is in a participant's plan. The SIL Operational Guideline is available on the NDIS website.

The NDIA is also developing a Home and Living policy, which will provide guidance on eligibility and the supporting evidence required for home and living supports. The Home and Living Policy, and other materials, including a participant SIL Toolkit, will be available on the NDIS website.

3. The committee recommends that the NDIA implement measures to ensure that all evidence provided by a participant to establish that supports are reasonable and necessary is accurately recorded in the participant's plan, and is actively considered in plan development.

Supported

The Government supports accurate recording of participant evidence in the plan development process. The NDIA has implemented a number of processes to ensure accurate collection, consideration and storage of participant evidence in line with the NDIA Operating Guidelines and Standard Operating Procedures.

All evidence provided by a participant, their plan nominee or treating health professional, is considered as part of the NDIS access and planning process. All documentation received is attached to participant records to inform access decisions.

In the event evidence provided by a participant has not been accurately recorded in the NDIA business system, the NDIA seeks to resolve this as soon as practicable.

4. The committee recommends that the NDIA develop and implement a mechanism to confirm a participant's eligibility for SIL prior to the participant identifying a suitable vacancy.

Supported in principle

The Government recognises the need to better streamline the planning process for participants who require home and living supports. The NDIA is developing guidance on eligibility and supporting evidence for home and living supports and will move away from specifically determining eligibility for SIL.

These arrangements will support the changes made in the 2020-21 Price Guide and Support Catalogue which incorporate price limits for SIL supports, replacing the previous quoting and negotiation process.

5. The committee recommends that planners be empowered to authorise a price range for SIL funding, with no need for further approval so long as a SIL quote falls within that price range, on the condition that the participant and/or their plan nominee is able to review the SIL quote and approve it.

Noted

The Government notes the need for transparent decision making regarding SIL funding.

The NDIS Price Guide 2020-21 took effect on 1 July 2020. In the new Price Guide, price limits for SIL supports replace the previous quoting and negotiation process. The SIL price limits currently reflect the ADL price limits.

The NDIA is reviewing SIL price controls and will release a new Price Guide later in 2020. A new SIL Provider Pack explaining these changes is available on the NDIS website.

To ensure continuity for participants and providers, existing plans containing agreed SIL quotes will continue until the end of their 12 month term, at which point the new SIL price limit will apply.

6. The committee recommends that the NDIA, develop and publish clear, comprehensive guidance material on SIL as a matter of urgency.

Supported

The Government supports increased clarity for NDIS participants through the development and publishing of more comprehensive guidance material on SIL.

To support implementation of the new SIL price limits, the NDIA has developed a new SIL Provider Pack explaining the NDIS Price Guide 2020-21 changes, and published a new SIL Operational Guideline. Both of these documents are available on the NDIS website.

The NDIA is also undertaking a review of home and living supports for participants, including SIL. As part of this review, the NDIA is developing a toolkit for participants accessing SIL to increase their involvement in the planning process. Features of the toolkit include: Simple English guides for the SIL process, advice on how participants can identify and manage provider conflicts of interest, and Supported Decision Making user guides including guidance on questions to ask during planning meetings.

The NDIA will also publish a Home and Living policy to support more informed reasonable and necessary decision making.

7. The committee recommends that the NDIA ensure that its planners fully explore current and future accommodation and support needs with participants during pre-planning, planning and plan review.

Supported

The Government supports measures that will lead to enhanced discussions about the accommodation and support needs of participants. The NDIA is developing new policy and guidance material for planners, providers and participants to support decision making in relation to home and living supports. As part of this process, the NDIA is reviewing the accommodation-specific questions asked of participants during planning meetings to ensure planners, support coordinators and partners in the community are best placed to support participants to understand and explore housing options, both NDIS funded and mainstream.

8. The committee recommends that the NDIA implement measures to further streamline and expedite quote approvals for SIL as a matter of urgency.

Noted

The Government notes that on 1 July 2020, the SIL quoting process was replaced by set SIL price limits in the NDIS Price Guide. This change streamlines the SIL approval process by removing the need for providers to develop annual quotes. Instead, providers submit a ROC for each participant and funding is approved at the relevant ADL rate. Detailed documentation will only be required where there is a material change to the ROC.

The Government recognises the importance of timely approvals of participant plans. The NDIA has already implemented measures such as automatic plan rollovers and extensions to ensure continuity of supports and certainty for participants. The Government also recognises that SIL may not be the best way forward for some participants, and it is vital that participants have an opportunity to explore the full range of home and living supports available through the NDIS.

Alternatives to SIL may include Specialist Disability Accommodation (SDA), Home Modifications, Assistive Technology or ILOs. The NDIA is implementing the use of innovative home living solutions as an alternative to SIL and to support more streamlined planning processes.

9. The committee recommends that the NDIA develop and implement mechanisms to prioritise and expedite approvals for SIL and SDA for people with disability in residential aged care, hospital settings, and the criminal justice system.

Supported

The Government supports prioritisation of housing support for participants in residential aged care, hospital settings and the criminal justice system.

On 25 November 2019, the Government announced it would strengthen the initial targets of the Younger People in Residential Aged Care Action Plan (Action Plan). The new targets, apart from in exceptional circumstances, will seek to ensure that there are:

- No people under the age of 65 entering residential aged care by 2022;
- No people under the age of 45 living in residential aged care by 2022; and
- No people under the age of 65 living in residential aged care by 2025.

As part of this announcement, the Government established a Joint Agency Taskforce between the department, the NDIA, and the Department of Health (DoH), to develop a new strategy that builds on the Action Plan and takes action to ensure these new targets are met.

A specialist team within the NDIA has also been established to prevent younger people with a disability who are eligible for the NDIS from entering aged care.

The NDIA has also recently implemented a number of measures to expedite the discharge of NDIS participants from hospital settings where they are deemed medically ready for discharge.

As part of these measures, Health Liaison Officers and access and planning teams work together to fast track access and planning requests and approvals, and remove barriers to hospital discharge for participants who are deemed medically ready to leave hospital.

Justice Liaison Officers are also being progressively introduced to support more streamlined information sharing and support provision for participants engaged in the justice system.

10. The committee recommends that the NDIA clarify whether a provider may continue to claim for supports delivered under a plan while a review of that plan is underway.

Supported

The Government supports providing clarity to providers regarding NDIS claiming procedures.

The Government will take necessary steps to ensure that providers are aware that under Section 37 of the *National Disability Insurance Scheme Act 2013 (NDIS Act 2013)*, a participant's plan only ceases to be in effect when it is replaced by another plan under Division 4; or when a participant ceases to be a participant. As such, a provider may continue to claim for provided supports for current plans and historically up to 90 days, until the above provisions are met and a plan is replaced by a subsequent plan or through cessation of participation in the NDIS.

11. The committee recommends that additional funding be made available in plans for short-term accommodation, for participants seeking to access SIL.

Noted

The Government notes that short-term accommodation may be of significant assistance to eligible NDIS participants. Goals relating to short-term accommodation are discussed as part of the planning and review process. Funding for supports, including for short term accommodation, is included in a participant's plan subject to reasonable and necessary decision making criteria under Section 34 of the *NDIS Act 2013*.

12. The committee recommends that the NDIA develop and implement a mechanism to ensure that participants have the opportunity to review and agree to quotes for SIL before they are approved by the NDIA.

Supported in principle

The Government recognises participants should be given genuine choice over the supports they access, including having an opportunity to review supports before they are approved. Under the new SIL approval process introduced on 1 July 2020, providers are no longer required to develop a quote for SIL supports. To ensure participants have greater input to the planning process, before a plan with SIL supports is approved, the NDIA will directly ask the participant or their nominee to confirm they have had an opportunity to see and provide input to the ROC. The support coordinator, if in place, will also be engaged to ensure this occurs.

13. The committee recommends that the NDIA ensure that its work to improve the SIL quoting tool and quoting process takes into account:
- the costs associated with supporting participants with higher or more complex needs;
- the costs associated with supporting participants in thin market areas; and
- all relevant fair work decisions.

Noted

The Government notes the previous SIL quoting and negotiation process was replaced by SIL price limits on 1 July 2020. Different price limits apply depending on the time of day and day of the week on which support is delivered, and whether the supports are high intensity supports, or delivered in remote or very remote areas.

The NDIA is considering the impact of thin markets and complex support needs on pricing as part of the SIL price control review.

The NDIS Price Guide 2020-21 incorporates a number of updated price limits developed following the outcome of the Fair Work Commission decision on minimum wage rates.

14. The committee recommends that the NDIA review the 'simplified' quoting tool for SIL, to allow providers to make minor changes to a quote based on changes to the NDIS pricing structure that have occurred since the quote was approved.

Noted

The Government notes that set price limits for SIL supports replaced the quoting tool on 1 July 2020. The use of SIL price limits in place of annual quoting will mean the right price limit will be applied to SIL supports, without the need for providers to estimate their full year revenue up front. These changes will mean the SIL process is more efficient and will enable providers to get paid without lengthy negotiation.

15. The committee recommends that the NDIA establish a central point of contact for all inquiries relating to SIL.

Noted

The Government notes the NDIA has a number of existing communication channels available for all stakeholders. Having a broad range of communication options available ensures stakeholders' choices are not limited when they communicate with the NDIA and that enquiries are streamlined to the appropriate area.

16. The committee recommends that the NDIA develop and implement a mechanism to provide updates to providers on the progress of SIL quotes.

Noted

The Government notes that set price limits for SIL supports replaced the previous quoting and negotiation process on 1 July 2020. The home and living guidance material currently in development will set out the NDIA's approach to engaging participants, their nominees, support coordinators and providers in the planning process.

17. The committee recommends that the NDIA progress the recommendations made in the committee's report, *NDIS ICT Systems*, as a matter of urgency.

Supported

The Government supports measures to ensure the continued improvement of the administration of the NDIS for participants and providers. The NDIA implemented all of the recommendations made by the JSC with regard to NDIS ICT Systems by the end of the first quarter of 2020.

18. The committee recommends that the NDIA review its existing policies and procedures, to ensure that participants needing assistance with daily living are given genuine choice as to whether they access supports in a shared or individual living arrangement.

Supported in principle

The Government recognises the need to ensure participants are given genuine choice over the supports they access. Following principles under the Council of Australian Governments Applied Principles and Tables of Support (APTOS), the NDIA understands its responsibilities to assist participants in individual or shared living arrangements, noting this does not extend to making reasonable adjustments to state and territory owned housing, which remains the responsibility of housing authorities.

As mentioned above, the NDIA is developing a Home and Living policy which will articulate the NDIA's overarching strategic position, bringing together previously disparate elements of NDIS home and living supports, and ensuring coherency of communication internally and externally about the NDIA's priorities for home and living. The policy will provide organising principles for implementation strategies and targeted programs of work, and will fully articulate the NDIA's position on reasonable and necessary supports for home and living options, noting the NDIA is not responsible for housing of participants except in very specific circumstances.

19. The committee recommends that the NDIA give all participants living in congregate settings, who receive SIL funding, the opportunity to review their accommodation and support arrangements and to exit the congregate setting if they wish to do so.

Supported

The Government is committed to ensuring all people with disability are supported to realise the benefits of the NDIS. Participants who wish to leave congregate living arrangements can request an unscheduled plan review due to a change in circumstances, or have their supports changed at their annual plan review meeting, subject to reasonable and necessary decision making.

The NDIA is reviewing the accommodation-specific questions asked of participants at the time of plan review, and developing new policy and guidance material for planners and participants to support decision making in relation to home and living supports.

20. The committee recommends that the NDIA review and if necessary, amend the SIL quoting tool to ensure that it allows participants to choose the people with whom they share a residence to the greatest extent possible.

Noted

The Government notes the SIL quoting tool was replaced by set price limits on 1 July 2020.

The Government recognises the importance of participants having choice and control over who they live with, either in congregate or other living arrangements. The NDIA's new Home and Living policy, currently in development, will embed planning practices that ensure participants and planners work together to identify participants' home and living goals, which may include goals to change living arrangements. The NDIA is exploring how ILOs and other innovative living arrangements can provide participants with greater choice and control.

The NDIA has also provided support to the department to amend the SDA Rules to remove barriers and disincentives for participants eligible for SDA funding to share a bedroom or reside with other family members, where they choose to do so. Changes to the SDA Rules to provide more flexibility and increased choice for participants to live with their families, friends and partners commenced in June 2020.

21. The committee recommends that additional funding be made available to support participants seeking to exit congregate living arrangements.

Supported in principle

The Government is committed to ensuring that NDIS participants are supported to achieve their housing and accommodation goals.

Participants who wish to leave congregate living arrangements can request an unscheduled plan review due to a change in circumstances, or have their supports changed at their annual plan review meeting. Any funding for supports included in participant plans, including for changes to congregate living arrangements, is considered in line with participants' goals and reasonable and necessary decision making criteria under Section 34 of the *NDIS Act 2013*.

22. The committee recommends that the NDIS Commission implement additional oversight measures for participants in group living arrangements.

Noted

The Government notes significant quality and safeguards protections already exist for group living arrangements under the NDIS Quality and Safeguarding Framework (the Framework). The adequacy of these arrangements will be considered in the context of the Review of the Framework due to commence in 2021.

The NDIS Commission has oversight arrangements for all registered providers legislated in the *NDIS Act 2013* and associated Rules. Providers delivering NDIS supports and services within the registration group which captures SIL (being 'Assistance with daily life tasks in a group or shared living arrangement') as well as SDA providers, are required to:

- Comply with the NDIS Code of Conduct;
- Undergo regular independent audit activities to assess compliance with relevant NDIS Practice Standards; and
- Meet registration requirements including: responding to, and advising, the NDIS Commission of reportable incidents including the unauthorised use of restrictive practices, ensuring the development of Behaviour Support Plans as appropriate, and ensuring their employees have an acceptable current screening check in place.

Registered providers are subject to NDIS Commission regulatory actions as set out under the *NDIS Act 2013* and associated Rules, including compliance activities, complaint investigations, and enforcement activities as appropriate.

Both SIL and SDA providers are required to undergo certification audits. The Core Module of the *NDIS (Provider Registration and Practice Standards) Rules 2018* requires demonstration of compliance with Practice Standards providing strong oversight measures for NDIS participants in receipt of NDIS support and services, including SIL.

23. The committee recommends that the NDIS Commission develop clear policies and guidance on vacancy management, with a focus on ensuring compatibility between tenants in shared accommodation and ensuring participant involvement in the vacancy management process.

Noted

The Government notes that there are already a number of requirements that providers need to adhere to with respect to vacancy management and the involvement of participants in this process.

The principles of the *National Disability Insurance Scheme (Plan Management) Rules 2013* contain an expectation that people with disability should be involved in decision making processes that affect them. In the context of SDA and SIL this would involve providers considering the views of all participants (if any) already residing in a dwelling before housing another participant in that dwelling.

In addition, SDA providers are required as part of their registration obligations with the NDIS Commission to comply with Module 5 of the *NDIS (Provider Registration and Practice Standards) Rules 2018*, which requires that each participant accessing a SDA dwelling is able to exercise choice and control and is supported by effective tenancy management.

Further details about the requirements for effective tenancy management are provided in the NDIS (Quality Indicators) Guidelines 2018 which articulate in detail how registered SDA providers must act in relation to vacancy management, compatibility, and participant involvement in shared living arrangements.

24. The committee recommends that the NDIA implement a mechanism to separate service delivery, tenancy management and support coordination for participants in SIL settings.

Supported in principle

The Government supports in principle the separation of service delivery, tenancy management and support coordination, and notes the NDIA is undertaking a program of work to consider the redesign of the current support coordination model. This will include examination of the policy changes required to strengthen separation of services between support coordination and other support types. A consultation paper will be released in coming months.

The Government also recognises participants should be able to exercise choice and control over their NDIS supports without being limited by their choice of accommodation.

The NDIS Commission registration process includes the assessment of the suitability of providers in accordance with the types of NDIS supports and services they deliver. The NDIS Practice Standards include requirements for NDIS providers of specialised support coordination (Module 4 of the Practice Standards, Practice Standard 66) and SDA (Module 5 of the Practice Standards, Practice Standard 69) to demonstrate compliance with management of conflicts of interest through a certification audit.

Providers must also have organisational policies in place to manage perceived or actual conflicts of interest, and separate service agreements for SIL and SDA must be in place where a provider delivers both supports to the same participant.

25. The committee recommends that the NDIA, with the NDIS Commission, implement a mechanism to ensure participants accessing SIL are able to change providers without compromising housing security or suffering other adverse consequences.

Noted

The Government recognises participants accessing SIL face additional complexities when they seek to change providers. Consideration of mechanisms to address issues arising when participants exit SIL arrangements will be considered as part of the NDIA's broader review of SIL and home living arrangements.

The Government notes that the NDIS (Quality Indicators) Guidelines 2018 require SIL and SDA providers to demonstrate compliance with Module 1, Standard 18, 'Continuity of Supports,' as part of an independent audit that forms part of a registration application. All providers must apply to be registered with the NDIS Commission every three years.

The key outcome of this Practice Standard is that, 'Each participant has access to timely and appropriate support without interruption'. Further to this, SDA providers are obligated to meet the requirements of Practice Standard 70: Service Agreements with Participants and Practice Standard 72: Tenancy Management to maintain registration with the NDIS Commission.

26. The committee recommends that the NDIA develop a central register for participants seeking to identify vacancies for SIL and SDA.

Supported

The Government supports improved access to timely information about vacancies for participants and other stakeholders.

On 25 November 2019, in response to the Royal Commission into Aged Care Quality and Safety Interim Report, the Government committed to engage with industry to identify all SDA and SIL supports across the country to develop a database of existing and new housing options available now and into the future.

This commitment is being actioned through a Joint Agency Taskforce on Younger People in Residential Aged Care involving the DoH, the department and the NDIA.

It is important to note that the private market is currently developing a number of tools and platforms designed to assist participants with identifying and finding suitable vacancies for SIL and SDA properties. The work undertaken through the Joint Agency Taskforce will seek to complement the work already being undertaken by private providers.

27. The committee recommends that the NDIA establish a specialist team dedicated to vacancy management.

Noted

The Government notes the recommendation to establish a dedicated vacancy management team. The NDIA has established a dedicated housing and support team that considers a range of complex issues relating to home and living supports, including vacancies, to ensure participants are supported to consider a diverse range of housing options and have greater choice and control over their home living arrangements.

In addition, the NDIA is supporting the sector to develop platforms to support vacancy management.

28. The committee recommends that the NDIA develop and implement processes to streamline the approval process for participants who need funding for both SIL and SDA.

Supported

The Government is committed to ensuring processes are as streamlined as possible for participants and providers. The NDIA housing and support team is working to improve processes to support more streamlined access to home and living supports for eligible participants. In addition, on 1 July 2020, the NDIA implemented the proposed Participant Service Guarantee timeframes from the Tune Review. This includes timeframes relating to plan approvals following access, plan reviews and plan variations.

29. The committee recommends that, if a participant is approved for SDA involving on-site overnight assistance, funding for SIL be automatically approved, on the condition that the participant and/or their plan nominee is able to review the SIL quote to approve it.

Noted

The Government notes the importance of ensuring that participants who require assistance with daily living can promptly access funding for supports.

Under the current legislation, an NDIS plan can only be approved by an NDIA delegate. When approving an NDIS plan, the delegate must confirm that the supports in the plan are reasonable and necessary under Section 34 of the *NDIS Act 2013*.

30. The committee recommends that, if a participant exits a SIL arrangement, funding for that participant continues at a 50 per cent rate for a period of one month or until the vacancy is filled – whichever is sooner. At the end of that month, a review should be conducted to determine whether additional funding is required.

Noted

The Government recognises the current approach to vacancy management requires further development, however notes the NDIS funds participants and not providers. Mechanisms to address issues arising when participants exit SIL arrangements will be considered as part of the NDIA's broader review of SIL and home living arrangements.

31. The committee recommends that the NDIA conduct a review of the NDIS Price Guide and associated price settings to ensure that the additional costs associated with supporting participants with complex needs, including in SIL settings, are adequately captured.

Supported

The Government supports annual reviews of the NDIS Price Guide. The NDIS Price Guide 2020-21 incorporates a number of amendments that relate to additional costs associated with supporting participants with complex needs. The new SIL price limits include line items for providing higher intensity supports. The NDIA is also conducting a review of SIL price controls. New SIL-specific price limits will be included in an updated Price Guide released later in 2020.

32. The committee recommends that the NDIA develop and publish clear policy and guidance on when providers may claim above the benchmarks set out in the NDIA Price Guide.

Noted

The Government is supportive of having clear guidance available for providers to support them in their service delivery roles. However, under current guidelines providers may not claim above the benchmarks set out in the NDIS Price Guide. NDIS providers may not claim for amounts greater than funded support values or the service booking values agreed with participants. The new SIL price limits specify the maximum amounts providers may claim for the delivery of supports in SIL settings.

33. The committee recommends that the NDIA develop and implement mechanisms to ensure providers are immediately notified of any changes to the NDIA Price Guide or associated price settings.

Supported

The Government is committed to providing reasonable notice to service providers in relation to price changes. Providers are notified of Price Guide changes at least 30 days before they come into effect. Registered providers receive emails from the NDIA when there are changes to the Price Guide. The Price Guide and pricing information is published on the NDIS website.

34. The committee recommends that the NDIA review the NDIS Price Guide to ensure that the costs associated with attracting, training and retaining staff to deliver supports to people with severe or complex disability, including in SIL settings, are adequately captured.

Supported

The Government supports regular pricing reviews to ensure NDIS price limits support providers to attract, train and retain staff to deliver support to people with severe or complex disability. The NDIA conducts annual reviews of the NDIS Price Guide to ensure it is fit for purpose.

The NDIS Price Guide 2020-21 incorporates a number of amendments that relate to additional costs associated with providing supports to participants with complex needs. As previously mentioned, the NDIA is also conducting a review of SIL price controls and will release an updated Price Guide later in 2020.

35. The committee recommends that providers within the NDIS invest in additional training for support staff involved in the delivery of SIL services and supports for participants with higher and more complex needs.

Noted

The Government notes that providers should always be seeking to ensure their staff are supported to provide high quality services to NDIS participants and that staff training is an obligation that providers are required to meet as part of their registration requirements with the NDIS Commission. The NDIA is supporting NDIS providers through the Exceptionally Complex Support Needs Program (ECSNP), which delivers subject matter expertise and capacity building support to NDIS providers where a participant has exceptionally complex support needs.

The level of investment providers make in their staff is a matter for individual service providers, including where additional investment is required to ensure workers receive additional training support where required.

36. The committee recommends that the NDIA develop and implement a streamlined mechanism to expedite the processing of claims by service providers for increased supports provided to participants.

Supported in principle

The Government recognises the importance of being responsive to the support needs of participants, particularly where those needs increase.

Where a participant's support needs have changed, the participant or their nominee can request a plan review. Current plan review guidelines provide for the NDIA to consider amending levels of participant supports when necessary.

For participants with complex needs, the NDIA has implemented the Complex Support Needs pathway (CSN pathway). Participants who are in the CSN pathway receive additional, tailored support in all aspects of their NDIS experience, including access, planning, plan implementation and review.

The NDIA housing and support team is considering further mechanisms to streamline review processes for SIL and SDA participants.

37. The committee recommends that the NDIA develop and implement a mechanism to streamline plan reviews for participants accessing SIL in shared living arrangements.

Supported

The Government sees value in aligning the timing of plan reviews for participants in shared living arrangements. The NDIA has introduced operational improvements to planning processes that include mechanisms to streamline some plan reviews for participants, including those in SIL.

As mentioned above, the NDIA housing and support team is reviewing current SIL processes and will seek to embed practices to improve the planning process for participants receiving or seeking to receive SIL supports.

38. The committee recommends that the NDIA actively works to address thin markets, and ensures that work to address thin markets in regional, rural and remote areas captures both SIL and SDA.

Supported

The Government recognises there are challenges for participants accessing services in emerging markets, particularly regional and remote areas. As part of its market stewardship role, the NDIA is supporting emerging markets to develop and to assist participants to access key supports.

The NDIA is implementing a more flexible approach to thin markets as agreed by the Disability Reform Council (DRC) on 13 December 2019, through initial projects in some rural and remote areas, to address specific market issues that may be impacting on participants' access to supports.

In addition to these projects, the NDIA is considering a number of mechanisms to address thin markets in rural and remote locations, including providing information to the market about levels of participant need, locations of demand, and numbers of participants currently residing in cities who may relocate to regional communities if they can access the required supports.

39. The committee recommends that the NDIA publish a clear and comprehensive policy on provider of last resort arrangements and crisis accommodation as a matter of urgency.

Supported

The Government recognises the importance of having clear information available on arrangements for providers of last resort and crisis accommodation. The ECSNP has providers in place in every state and territory and provides after hours crisis referral services. The ECSNP also supports NDIS providers through the provision of subject matter expertise and capacity building activities.

40. The committee recommends that the Commonwealth, states and territories, through DRC, progress work to understand and address gaps in the availability of advocacy and decision support services as a matter of urgency.

Supported

The Government is in the process of coordinating a demand and gap analysis into independent disability advocacy and decision-making supports. The project arose through DRC and is anticipated to report later in 2020.

This project will assist in discussions between the states and territories and the Commonwealth to understand the impact the implementation of the NDIS has had on advocacy. It will also inform discussions regarding possible future partnership approaches for shared and ongoing funding arrangements.

41. The committee recommends that the NDIA, working with the Australian Government, publish and distribute additional information on the availability of advocacy and decision support services.

Supported

The Government supports the provision of detailed information to participants on the availability of advocacy and decision support services.

The department currently provides an advocacy finder service on its website. Work is also underway to develop a broader information gateway to support people with disability to access a range of services and information, including advocacy.

42. The committee recommends that the Australian Government increase funding for advocacy and decision support initiatives, to ensure that these initiatives reach the broadest range of people who require these services.

Noted

The Government notes the Commonwealth has increased funding for advocacy and decision support over the past six years from $18 to $33 million (excluding Disability Royal Commission advocacy support).

Both the Australian Government and the states and territories, with the exception of South Australia, recognised at a DRC meeting in December 2019 that the provision of funding to support independent disability advocacy was a shared responsibility. The outcomes of the demand and gap analysis project of independent disability advocacy and decision-making supports (mentioned in response to Recommendation 40), is likely to inform future funding decisions at all levels of government.

43. The committee recommends that the NDIA, with the NDIS Commission, develop and publish service standards specifically for the delivery of SIL services.

Noted

The Government notes the NDIS Practice Standards and overarching regulatory activities are appropriate for the regulation of NDIS supports and services to NDIS participants, including in sharing or group living settings.

44. The committee recommends that the NDIA and the NDIS Commission take a more active role in monitoring the quality of services in residences where SIL is delivered, to ensure that participants and advocates can readily identify and address concerns with service quality.

Noted

The Government notes that the NDIS Practice Standards and overarching regulatory activities are appropriate for the regulation of NDIS supports and services to NDIS participants, including in sharing or group living settings. The NDIS Commission performs an ongoing monitoring function through its complaints, reportable incidents and registration functions.

45. The committee recommends that the NDIA, with the Australian Government, develop, publish and implement a clear strategy to address coordination issues between state and territory services and the NDIS, particularly for people with disability seeking to access SIL supports

Noted

The Government and states and territories monitor, discuss and address coordination issues between state and territory services and the NDIS on an ongoing basis.

Local Area Coordinators are active in every jurisdiction and link participants to the NDIS and to mainstream and community supports in their area. Additionally, NDIA Health Liaison and Justice Liaison Officers are now in place nationally. These liaison positions play a key role in connecting the NDIA and NDIS participants to mainstream service systems, and supporting people to access the NDIS.