

## PARTICIPANT REVIEWS

Hearing: 28 July 2020

Hansard Page: 32

### Question:

Senator GRIFF: When inadequate plans are approved for parents of young children with autism, or they come to realise there isn't enough support to meet their child's needs, the parents are advised by planners that they can seek a review of the plan under section 48 of the act. However, this is often complicated with a review process described by many as being unwieldy and one that puts the burden of proof upon parents and carers, who are often already facing emotional and financial stresses. Could you provide on notice—you wouldn't be able to provide this information now—how many reviews are sought by participants of their plans generally, how many reviews are sought involving plans for people with an autism diagnosis, how many reviews are currently pending with the NDIA, and whether all reviews were commenced within the 14 days stipulated by section 48 of the act? Also, how many reviews are successful, how many refuse changes to their plan, how many participants go to the AAT following a refusal, and how many are successful at the AAT? I would appreciate it if you could take those questions on notice.

### Answer:

As per Table 1, there were 17,677 Participant Requested Reviews (s48) received in the June 2020 quarter.<sup>1</sup> Twenty seven per cent of s48 review requests in the June 2020 quarter were received from participants with Autism as their primary disability which is consistent with the 31 per cent of participants with a plan who had a primary disability of Autism as at 30 June 2020.<sup>2</sup> The *National Disability Insurance Scheme Act 2013* requires the National Disability Insurance Agency CEO decide whether to approve a request for review under s48 within 14 days. In the June 2020 quarter, 99 per cent of s48 requests for review were decided within 14 days.

As per Table 1, there were 2,201 Participant Requested Reviews pending on 30 June 2020, 554 of which were from participants with Autism (25 per cent).

Table 2 lists the Administrative Appeals Tribunal (AAT) cases by category for the National Disability Insurance Scheme to date for participants with Autism. There have been 865 AAT cases from participants with a primary disability of Autism which is 22 per cent of the 3,976 cases received to 30 June 2020.<sup>3</sup>

As at 30 June 2020 there have been 73 cases that have gone to the AAT and received a substantive hearing. Of those, 11 have been from participants with Autism.

<sup>1</sup> Page 50 in the June 2020 Report to Disability Ministers has the volume of Participant Requested Reviews (s48) received across the 2019-20 financial year.

<sup>2</sup> Table E.12, June 2020 Report to Disability Ministers.

<sup>3</sup> Table E.51, June 2020 Report to Disability Ministers.

Table 3 has the breakdown of cases where the NDIA decision was affirmed, varied or set aside.<sup>4</sup>

**Table 1 – Summary of Open Participant Requested Reviews (PRRs) (s48) – National (participants with Autism) – as at 30 June 2020**

|  | Total  | Autism | %   |
|--|--------|--------|-----|
| Open PRRs                                      | 2,201  | 554    | 25% |
| Number of PRRs open less than 14 days          | 2,197  | 552    | 25% |
| Number of PRRs open more than 14 days          | 4      | 2      |     |
| New PRRs in the quarter                        | 17,677 | 4,811  | 27% |
| Number of PRRs closed in the quarter           | 16,231 | 4,466  | 28% |
| Proportion closed within 14 days               | 99%    | 99%    |     |
| Average days PRRs took to close in the quarter | 7      | 7      |     |

**Table 2 – AAT Cases by category – National (participants with Autism and all scheme) – as at 30 June 2020**

| Category     | Total - Autism |             | Total scheme |             |
|--------------|----------------|-------------|--------------|-------------|
|              | N              | %           | N            | %           |
| Access       | 75             | 9%          | 1,487        | 37%         |
| Planning     | 594            | 69%         | 1,898        | 48%         |
| Plan Review  | 129            | 15%         | 355          | 9%          |
| Other        | 67             | 8%          | 236          | 6%          |
| <b>Total</b> | <b>865</b>     | <b>100%</b> | <b>3,976</b> | <b>100%</b> |

**Table 3 – AAT Cases where the NDIA decision was affirmed, varied or set aside – as at 30 June 2020**

|                             | Participants with Autism |
|-----------------------------|--------------------------|
| Agency's decision affirmed  | 4                        |
| Agency's decision varied    | 4                        |
| Agency's decision set aside | 3                        |
| <b>Total</b>                | <b>11</b>                |

<sup>4</sup> The AAT will affirm a decision under review if it finds the National Disability Insurance Agency (NDIA) has made the correct decision, or vary a decision under review if it finds the NDIA's decision should be altered in some way. The AAT will set aside a decision under review if it finds that the NDIA has made a wholly or partially incorrect decision. In this case the AAT can replace the NDIA's decision, or send the case back to the NDIA with considerations to be taken when making a new decision.

Inquiry into Autistic people in Australia and a national autism strategy

Reference No: SQ20-000228

## RE-INSTITUTIONALISATION OF PARTICIPANTS IN SIL

Hearing: 27 July 2020

Hansard Page: 35

### Question:

CHAIR: One of the concerns that has also been raised with my office is a number of SIL providers have put carte blanche edits out that their residents will not be able to participate in any external programs, and this often includes their employment programs. So rather than someone being able to go out to their day program or to a work environment, the SIL provider has made a carte blanche decision that none of their residents will be leaving the residence. I have a number of the concerns around this. One of the concerns that I do have is that it is almost a re-institutionalisation by stealth and that people with autism in particular are being kept in group home situations that are not necessarily that beneficial for them; that they are then being banned by their SIL providers from participating in work opportunities or other day programs; and that the smaller providers, who often provide these day programs and work opportunities, are being cut out with all funding being redirected back to the SIL provider. This is fundamentally re-institutionalising these people. Have you seen a shift in people's plans who also have a SIL plan that their service provision—and you may have to take this on notice—is now being conducted by the SIL provider themselves as opposed to external providers that have previously been part of their plan and program?

Mr Hoffman: On that specific point, I'm not sure whether Sarah could make any comment off the top of her head—she often can—but we will take on notice whether there's been a concentration of value to the SIL provider across the total value of the [inaudible] plan; yes.

CHAIR: Sorry, that's not really coming through clearly.

Mr Hoffman: There is a bit of an echo. Yes, we'll take on notice the analysis as to whether there's been greater concentration of the value of the plan to the SIL provider over this period.

CHAIR: That would be helpful.

...

Ms Johnson: On the whole, as Mr Hoffman said, we haven't seen a drop off at the level of payments of support. We have on the whole—this is across the board—seen some reduction in payments for social participation, employment supports and an increase in daily living, but that's not unique to support independent living. But I'll take it on notice to have a closer look at the support independent living providers and any increases in payments and reductions around social participation that look out of the norm?

### Answer:

During the period 1 January 2020 to 30 June 2020, 1,579 participants with Autism with Supported Independent Living (SIL) supports in their plan had payments for Capacity Building supports (excluding CB Employment) linked to NDIS providers.

Of these, 40 per cent had payments linked to three or more providers, while 29 per cent had payments linked to one provider (refer Table 1). This is consistent with scheme experience regardless of whether the participant lives in SIL or not (refer Table 2).

**Table 1. Distribution of SIL participants receiving Capacity Building supports between 1 January 2020 and 30 June 2020 by number of providers – Autism**

| Number of providers | Number of participants | %           |
|---------------------|------------------------|-------------|
| 1                   | 456                    | 29%         |
| 2                   | 486                    | 31%         |
| 3+                  | 637                    | 40%         |
| <b>Total</b>        | <b>1,579</b>           | <b>100%</b> |

**Table 2. Distribution of SIL participants receiving Capacity Building supports between 1 January 2020 and 30 June 2020 by number of providers – All Scheme (all disability categories)**

| Number of providers | Number of participants | %           |
|---------------------|------------------------|-------------|
| 1                   | 4,169                  | 27%         |
| 2                   | 5,127                  | 34%         |
| 3+                  | 6,006                  | 39%         |
| <b>Total</b>        | <b>15,302</b>          | <b>100%</b> |

Inquiry into Autistic people in Australia and a national autism strategy

Reference No: SQ20-000229

## CHILDREN WITH AUTISM IN THE COMPLEX SUPPORT NEEDS PATHWAY

Hearing: 27 July 2020

Hansard Page: 36

**Question:**

CHAIR: With regard to this lack of understanding, potentially, that has been demonstrated by some planners, particularly around kids with autism and adults that have complex needs—if we are going to stick with the early childhood pathway, how many children with autism are elevated to the complex needs pathway as opposed to just being part of that early childhood pathway?  
Mr Hoffman: I'd be happy to take the specific numbers on notice and get you that, unless Sarah Johnson has them to hand.  
Ms Johnson: We'll take that one on notice.

**Answer:**

On 30 June 2020, there were 108 participants with Autism in the Complex Support Pathway who met access whilst they were aged 0-6 years. Twenty-one of these participants were still in the 0-6 age cohort on 30 June 2020.

**Count of participants with Autism in the Complex Support pathway – 30 June 2020**

| Age Band      | Age in years as at 30 June 2020 | Age in years when Access Met |
|---------------|---------------------------------|------------------------------|
| 0 to 6 years  | 21                              | 108                          |
| 7 to 14 years | 354                             | 472                          |