

## Advocacy for Inclusion

*Incorporating People with Disabilities ACT Inc.*

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Inquiry into the Capability and Culture of the NDIA  
Joint Standing Committee on the National Disability Insurance Scheme  
Parliament of Australia  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Via email – [ndis.joint@aph.gov.au](mailto:ndis.joint@aph.gov.au)

Dear Committee Secretary,

Thank you for the opportunity to make a submission to the Inquiry into the Capability and Culture of the NDIA. This is a timely and welcome inquiry. This submission addresses – to varying extents – Terms of Reference a) and b), with a focus on improvements necessary to address the experiences of people with disability interacting with and navigating the NDIA.

### About us

Advocacy for Inclusion is a national systemic body representing people with disabilities in the ACT. We write systemic advocacy in the form of submissions, reports and position papers on issues affecting people with disability.

We provide expert policy advice on issues affecting people with disabilities that come through our individual advocacy clients and membership in the ACT.

We are a Disabled Peoples Organisation meaning that a majority of our members, Board and staff have disabilities.

This submission is also endorsed by Women with Disability ACT and the ACT Council of Social Service.

### Background

There are many thousands of staff working for the NDIA. As at 30 June 2022, the total NDIS workforce was 12,596, including 5,070 Australian Public Service Employees, 1,893 labour-hire workers and contractors, and 5,633 people employed by the NDIA's partners in the community and contact centre partners.<sup>1</sup>

As at 30 September 2022, there were 9,568 people in the ACT benefitting from the

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<sup>1</sup> National Disability Insurance Agency (2022). [NDIA Annual Report, 2021-2022](#), p. 58

NDIS. Of these, 6,828 people were receiving supports for the first time.<sup>2</sup>

Staff at the NDIA are dedicated, responsive, professional and care about outcomes for people with disability.

However, there is room for improvement when it comes to the communicative, flexibility, and responsiveness of the NDIA's current operational processes and procedures.

There is need to lessen administrative burdens both on staff and for people on the Scheme as well as fraying trust, collaboration and problem solving at a State and Territory level.

There is room and opportunities for improvement in terms of the NDIA's capabilities – including capacity to connect and drive community partnerships and genuine co-design with the DPO and DRO sector. There is limited appetite for risk and innovation. This could be strengthened by focusing on cooperation, partnership and exchange with the sector and communities of disabled people in order to cultivate goodwill.

Additionally, we note that the current pricing arrangements are resulting in the reduced quality of disability services and safety issues for both staff and participants. The cumulative effect of these issues causes concern regarding the choice, control and wellbeing of people with disabilities.

There are areas of best practice and signs of improvement. The NDIA's engagement with AFI over recent months have been more outward looking, engaged and focused on problem, solving. The virtual NDIS updates and briefings started during COVID are a great initiative. We note that some complex matters are being resolved outside of AAT and dispute contexts. This is welcome but further cultural improvement is needed to sustain change.

We understand that the review has received many submissions pointing to cultural and capability issues from individuals and advocacy organisations.

Our brief submission focusses on our recommendations for change to address well known issues.

### **Opening up the NDIS**

The NDIA should open itself to the community it serves. It should foster innovation, partnerships, co-design and responsible risk taking and flexibility.

Staff could be embedded (and cross embedded) in disability organisations, clients and disability advocates invited to come in and share, informal connections and gatherings should be encouraged and unnecessary walls between the sector and the agency should come down.

Staff development activities within the NDIA could focus on enhancing and building understandings of the effects of customer interactions on people with disabilities.

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<sup>2</sup> Data available from <https://www.ndis.gov.au/understanding/ndis-each-state/australian-capital-territory>

A model could be the service improvement work undertaken in the early 2000's within Centrelink under the leadership of Sue Vardon including value creation workshops and exposure of staff to intensive client experience feedback.

There has been some improvement and greater openness and the forums which foster this should be continued.

All staff should be exposed to reflective feedback from clients to understand how interactions impact them – sessions could be designed for staff to observe clients providing candid feedback about what it was like to engage with the NDIA.

Ambitious community engagement projects that allow NDIS participants and the public to be part of the process of driving cultural change should be resumed. A very good example from the early days of the scheme was the NDIS Citizens Jury Scorecard project from 2014/15 which was the winner of a global IAP2 Award in 2015.

What we've seen: Over time we have observed a deteriorating level of trust, collaboration, understanding and engagement between the NDIA and disability organisations as well as people on the ground.

Early initiatives which allowed for co-design and innovation with the sector, such as the NDIS Citizens Jury or the Voice Assistant project have fallen away.

### **Recognising and reducing administrative burdens**

The NDIS needs to reduce the administrative burden on people with disability across every aspect of applying for access, planning, review and engagement.

Support coordination is one way to reduce administrative burdens on individuals. NDIS participants should be granted funding for a support coordinator in their first plan, unless they choose to opt-out.

What we've seen: We have seen participants being required to submit the same documents over and over again, unnecessary hoops for receiving support coordination and requirements for reports for small cost items.

AFI has worked with adult people with disability whose families are unable to maintain full-time employment, due to the extensive administrative requirements of NDIS access applications and the planning process. In one instance, a mother reported that she no longer worked Mondays because that was her day for 'NDIS work'.

AFI has witnessed instances in which participants are not granted support coordination, despite requesting or requiring it. In one situation, a client who did not have support-coordination was unable to access most of their supports for six months, due to the lack of support regarding their difficulties in self-management. This caused angst and difficulty in their subsequent plan review, as they were required to prove why they didn't access all their funds.

In another situation, a client did not know how to begin organising supports in their first plan, and they were unaware that support coordinators could be funded. Despite them asking for assistance, their Local Area Coordinator (LAC) did not show them how to organise supports for the first few months of their plan.

We have also worked with a woman with disability who had a child with disability. The mother reported that she did not apply to the NDIS because she “didn’t have time”.

### **High quality assurance:**

The NDIA needs to take steps to improve the quality of document management, handovers between staff and other quality assurance procedures.

What we’ve seen: There has been a small but regular stream of issues around the management of information and documents with our clients. AFI has interacted with clients where it appears the NDIA has lost participant’s documentation or where there have been errors in documents (wrong names, wrong conditions and other basic details incorrect).

### **Great engagement and knowledge of State and Territory Disability sectors**

The national nature of the NDIA as well as headquartering in Geelong have made it hard for State and Territory based advocates to problem solve with the agency, to understand who is in charge and to build rapport. Welcome initiatives like the NDIA monthly briefings are focused on information sharing.

While the NDIS is national, Australia is still a Federation – public services like justice, education and health remain organised on State and Territory lines. Markets which serve NDIS clients contain providers and provider networks which exist solely within that State or Territory.

The NDIS needs to have some decision makers and consultative mechanisms in place at a State and Territory level.

There would be value in regular grassroots advisory committee groups and the relevant NDIA State or Territory managers engaging with groups of peaks – like the Disability and Carers Policy Group in the ACT

What we’ve seen: Over time it has become clear there is mixed local market knowledge from staff at the NDIA and sometimes with Feros who don’t have a good grasp of thin market issues in our region. Sometimes clients are referred to services that are full, don’t provide services in the ACT or for service types that aren’t offered here.

Recently the NDIA's engagement with AFI has improved with monthly catchups with advocate and policy team working through a 'traffic light' register of issues. This could be a good engagement model for other jurisdictions.

### **An NDIA more disability aware, confident and grounded in disability issues**

The NDIA would benefit from diversifying its staff to include more people with disability, and more people with broader experiences in the disability sector including people grounded in rights based work.

The NDIS could also explore other ways of coworking and collaborating with disabled people and our organisations – embedded staff, shared projects, secondments and other mechanisms.

The NDIA needs a culture of learning about disability, its impacts and the nature of impairments.

Targeted efforts must be made to increase the culture and safety of the NDIA for staff with disability. In turn, this will help attract more staff members with disability.

What we've seen: Sometimes decisions reflect a poor knowledge of the impacts of particular disabilities on a person's need for supports – for instance accessing transport or health services. Sometimes comments about disability in planning conversations have a medical, rather than a social model approach.

### **Towards transparent, consistent and inclusive decision-making**

Participants are much more likely to feel satisfied with a plan that they have had meaningful input into. The planning process must be much more collaborative, such that the participant should be presented with a draft NDIS plan before the final version and they should be given a funding breakdown.

Even where the funds can be used flexibly, the participant should be informed how and why the specific amount of funding has been allocated.

In instances involving simple additions or alterations, the participant could 'request to add support to plan'; as opposed to applying for internal review. This would encourage the collaborative production of an NDIS plan, including more dialogue regarding the reasons for a support's inclusion or exclusion. Moreover, it will allow for small changes to plans without applicant's having to engage in the internal review process. If the applicant remains unhappy with the plan after this dialogue, they can still lodge a request for internal review.

The NDIA could provide clearer pathways for people with fluctuating conditions, such as psychosocial conditions. This may include distinct rules for the application of section 24 to psychosocial disabilities and chronic pain. It is particularly important that the NDIA reconsider the application of section 24(1)(c) to fluctuating conditions and ensures that activities such as self-management and self-care are assessed over weeks or months, as opposed to on a daily basis.

The NDIA must increase the transparency of their decision-making to minimise any inconsistent and discretionary decision-making processes. As part of this, internal policy that is used to guide decision-making could be made public.

What we've seen: A variable standard of proof seems to be felt by people with disability who have conditions that the NDIA does not automatically consider permanent or which are fluctuating. For example, AFI has been informed that the NDIA does not consider Developmental Language Disorder permanent. It's unclear how this decision has been arrived at.

### **Enhancing communication**

NDIA staff members and LACs must dedicate and allow adequate time to speak with the person with disability about the reasons for decisions, at all stages of engagement with the scheme.

Staff must be equipped with correct and up-to-date knowledge of the NDIS, and the call centre must be subject to greater quality control.

To ensure accurate information is disseminated, close attention needs to be paid to the current understanding of the NDIS service market. Assessors need to do regular market sector updates and have regular check-ins with knowledgeable organisations to map the sector. As part of this, the Disability Gateway and Ask Izzy App need urgent work to ensure it is accessible and accurate.

What we've seen: AFI did our own audit of the service providers listed for mobility aids and equipment in the ACT and found that only around a third of the providers listed for the ACT actually serviced the region at this point in time

### **Flexibility, common sense and judgement**

The Federal and State or Territory Governments must better work together to ensure the overall aims of the NDIS and Australia's Disability Strategy are met. This will include ensuring adequate funding for mainstream systems to ensure joint and clear lines of responsibility and to prevent the NDIS from taking responsibility for everything. This also requires flexibility within the NDIS to ensure that individuals are not without support due to siloed systems in the interim. The NDIS needs to make quality judgement calls which weigh harm against risk and benefit.

What we've seen: The COAG Principles to Determine the Responsibilities of the NDIS and Other Service Systems continue to lack clarity, and are therefore insufficient for addressing key service gaps, including in the Education sector, the Health sector and the Justice sector. For example, students are not able to get necessary support workers in school, as the NDIA states that it is the Education system's responsibility. A more flexible response might enable a judgement call to be made between the risk of a student dropping out of school and the risk of providing a support intended to be provided by a State or Territory Government.

The 'Would we fund it: Gym membership' case study states that gym membership would not be funded by the Scheme. Despite this, AFI is aware of multiple participants with funding for gym memberships. As the NDIS is tailored around individual support needs, it is reasonable that different people would receive different supports.

Sometimes participant's preferences are dismissed due to the application of inflexible rules which lead to problematic decisions. For example, a person may be given funding for a support worker assist them to cook, but not for ready-made meals; regardless of the latter option being cheaper, preferred and possibly more practical (especially during a pandemic). This reflects a culture of inflexibility and risk-aversion.

AFI are happy to provide further information or discuss this submission at a hearing. You can contact me on

Regards,

(Signed by email)

**Craig Wallace**

A/g Chief Executive Officer

16 December 2022