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Office of the CEO

Dr Jane Thomson
Committee Secretary
Joint Standing Committee
on the National Disability Insurance Scheme

Via email: NDIS.joint@aph.gov.au

Dear Dr Thomson

Thank you for your letter of 15 May 2023 drawing my attention to evidence within submission 137 provided by Mrs Marie Johnson.

The National Disability Insurance Agency (NDIA) would like to provide some clarifying points regarding issues raised by Mrs Johnson.

At the outset, I would like to acknowledge the contribution of all NDIA staff, past and present, in supporting the NDIA to deliver the National Disability Insurance Scheme (NDIS) for hundreds of thousands of Australians with a significant and permanent disability, and their families and carers.

I understand that Mrs Johnson's labour-hire arrangement ceased in June 2017. It is important to note, at the time Mrs Johnson was working with the NDIA, the NDIA was facing a number of significant challenges and issues arising from the enormous scale and pace of the NDIS rollout which are well documented, including by the Committee.¹

Mrs Johnson's submission contains a range of concerning statements about the NDIA's systems and processes, including as they relate to participant and staff safety. With respect, the submission appears to be based on an understanding of the NDIA's systems and processes at a point in time and are not supported by contemporary evidence. The safety and wellbeing of staff and NDIS participants has, and continues to be, the highest priority for the NDIA.

Allegations of bullying from staff within the (then) Australian Government Department of Human Services and the NDIA

The NDIA is not in a position to comment on the allegations of bullying from staff within the (then) Australian Government Department of Human Services (DHS). The NDIA notes that the submission does not appear to contain any specific allegations relating to individual NDIA staff.

¹ Progress Report: General Issues around the Implementation of the NDIS (31 December 2017)

The NDIA is committed to providing a safe, positive and inclusive workplace where everyone is treated fairly and respectfully, and is supported to speak up. The NDIA take claims of bullying very seriously, and has a zero tolerance of unacceptable behaviour, including investigating any allegations brought to the NDIA's attention. The NDIA has recently released a Safe and Respectful Workplace Policy, which is accompanied by mandatory training for all NDIA staff and Partners with information on how to identify and report unacceptable behaviours through a range of safe and accessible reporting options.

The NDIA has also renewed its focus on increasing representation of staff with a disability and improving the experience of NDIS participants and staff. Current targets for the employment of people with disability within the NDIA are 19% of Australian Public Service and labour Hire staff and 12% of Senior Executive.

Of the 12 NDIA Board members (including the Chair), 6 are people with a disability and 3 have family who are living with a disability. Many of the NDIA Board members have a long history of deep involvement in the disability sector, including active involvement in services for people with a disability, acting as advocates and/or serving as CEOs or directors for disability organisations.

Use of algorithms and Robodebt practices embedded within the NDIA, including use of Typical Support Packages.

The NDIA rejects the assertion that 'robo practices have become embedded in the NDIA'.

The *National Disability Insurance Scheme Act 2013* (NDIS Act) establishes the legislative framework for the reasonable and necessary supports funded in NDIS participants' plans. All planning decisions are individualised to NDIS participants' goals and support needs and are reviewable. The principles and criteria utilised by NDIA staff in making planning decisions are detailed in 'Our Guidelines' published on the NDIS website, www.ndis.gov.au/about-us/operational-guidelines.

The automation of planning decisions (in the same manner as Robodebt) was not a feature of Mrs Johnson's responsibilities whilst working with the NDIA, and it is not a consideration in the design of the NDIA's systems, current or previous.

The Typical Support Packages (TSP) is one of several tools (including operational and expert guidance) utilised in assisting NDIA staff and Partners to develop individual NDIS plans. The primary function of TSP is to assist planners when considering the level of funded supports to be included in a NDIS participant's plan and to understand how the funding compares to other participants with similar characteristics and support needs. TSP does not limit or otherwise prescribe the level of reasonable and necessary funding a NDIS participant may receive. TSPs also do not limit delegate decision making which is evidenced by the majority of NDIS plans developed between 2016 and 2022 have deviated from the TSP by more than 30%.

Mrs Johnson's characterisation of "NDIA practices such as the 'hour of power' to finalise roboplans" is incorrect. The 'hour of power' is an initiative that encourage staff to dedicate at least one hour per week of focussed time for training, development and capability uplift.

Mrs Johnson also reports "case after case of systematic recording of the wrong diagnosis" in the NDIA's Customer Relationship Management (SAP CRM) system. Mrs Johnson is correct that the current system requires the recording of a primary disability. However, all disabilities reported by a NDIS participant are captured in the CRM system, including a secondary disability or in free text fields. All disability information provided by NDIS participants is considered by NDIA planners. The NDIA's new system PACE has not been designed with this constraint.

Co-design

The NDIA is committed to working in genuine partnership with the disability community to implement improvements to the NDIS. One of the ways this is being achieved is through implementing a co-design principle, which is reinforced in recent changes to the NDIS legislation.

To deliver on this commitment, the NDIA established a Co-design and Engagement Branch within the NDIA. This Branch works across the NDIA and with external stakeholders to deliver a best practice co-design approach for strategic projects.

In January 2023, the Australian Government provided an additional \$1.42 million to 27 Disability Representative and Carers Organisations (DRCOs) to support their participation in co-design activities. The total amount paid to DRCOs to participate in co-design is \$2.84 million since the funding commenced in early 2022.

The NDIA continues to use the Participant Reference Group to consult on changes to NDIA policy and practice changes, NDIA collateral materials, and seek advice on key strategic challenges.

Issues with PACE design, including co-design approach

The NDIA accepts there are issues with the current SAP CRM and has commissioned a replacement platform called PACE, which will enable the NDIA to evolve and deliver on the original intent of the Scheme and better support its participants.

The NDIA is currently testing PACE with NDIS participants and providers in Tasmania. The test in Tasmania is intended to identify and address any teething issues ahead of rolling PACE out nationally.

In addition, stakeholder feedback from the Tasmanian test is informing further enhancements and new features. Over 4,000 NDIS participants contributed to the design of PACE and the NDIA has heard from more than 1,000 people involved in the Tasmanian test between November 2022 and March 2023.

The evaluation of the Tasmanian test has identified improvement opportunities for the system, however feedback from NDIA staff and participants indicates that their experience to date has been largely positive.

Data migration from SAP CRM to PACE

The NDIA has publicly stated there is no intention to do an initial “swap out” and conduct a data migration from SAP CRM to PACE upon commencement of national rollout. Participant information will be captured in the new PACE platform as their NDIS plans come up for review.

I look forward to supporting the Committee to undertake this inquiry into the Capability and Culture of the NDIA.

Yours sincerely

Rebecca Falkingham
Chief Executive Officer
National Disability Insurance Agency

11 July 2023