



# **Australian Government**

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

Inquiry into General Issues

May 2021

## **Introduction**

The Australian Government welcomes the Joint Standing Committee (JSC) first report of the 46<sup>th</sup> Parliament for the Inquiry into the National Disability Insurance Scheme (NDIS) General Issues.

The report looks at issues related to the implementation and performance of the NDIS and makes 10 recommendations to improve the NDIS for participants, providers and other key stakeholders. The Australian Government supports eight of the recommendations and notes recommendations seven and eight in relation to engagement with people with disability who are homeless.

Action is already underway to implement the recommendations relating to reviewing actions taken to support people with disability during COVID-19 and to improve the engagement and service responses of the National Disability Insurance Agency (NDIA) in relation to vulnerable groups.

The NDIA already undertakes specific engagement and service responses to improve the experiences and outcomes for Aboriginal and Torres Strait Islander people with disability and vulnerable groups, including people with psychosocial disability and people with disability who are homeless. The NDIA has a number of formal governance groups to ensure ongoing engagement and input to the operations of the NDIS for Aboriginal and Torres Strait Islander people with disability and vulnerable groups. The NDIA is currently reviewing its Aboriginal and Torres Strait Islander Engagement Strategy to facilitate input to the design and implementation of the NDIS. In addition, the NDIA undertakes regular targeted national consultation with NDIS participants and their representative organisations to understand their experiences and seek input to a range of implementation matters.

The Australian Government supports Recommendation 9 relating to better communication with participants about NDIS matters. Recent activity to support this goal includes the NDIA reviewing NDIS Operational Guidelines to make them simple, clear and easy to use.

The Australian Government supports Recommendation 10 to publish information about managing circumstances surrounding the death of a participant including the support available to family members and carers. The NDIA has established a dedicated bereavement section on the NDIS website as well as a national bereavement team so that carers are made aware of support services including through the Carer Gateway.

The following pages provide a detailed outline of the Australian Government response to each of the recommendations and planned actions, including activity that is currently in train or has already been undertaken.

# **Inquiry into the Joint Standing Committee on the National Disability Insurance Scheme report: General Issues**

## **Recommendations made by the Committee**

1. The committee recommends that the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission:
  - review and assess their responses to the COVID-19 pandemic to better understand how to respond to future emergencies, including pandemics; and
  - in connection with the Commonwealth Government, ensure that appropriate preparations and plans are in place to support people with disability during future emergencies, including pandemics.

## **Supported**

The Australian Government has appropriate governance and structures in place to respond flexibly and scale measures up or down as circumstances require in response to COVID-19 and future emergencies.

The Advisory Committee on the Health Emergency Response to Coronavirus (COVID-19) for People with Disability continues to meet and release iterations of the Management and Operational Plan for COVID-19 for People with Disability. The Advisory Committee has played a central role in helping to shape the Australian Government's response to COVID-19 for people with disability. The Advisory Committee, or a similar body, will continue to be a part of the Government's emergency response to COVID-19 for people with disability. The nature and extent of the ongoing arrangements will be designed in collaboration with people with disability and their representative organisations.

The Government is taking steps to review and assess the COVID-19 response, including the NDIA working with the University of Melbourne on a research project to understand participants' experiences during COVID-19. This research will help shape how services are provided in the future and inform emergency response planning.

The NDIA has successfully implemented and improved its Business Continuity Plan during the pandemic and has maintained service and support continuity throughout. The NDIA implemented a number of initiatives, such as strong engagement with the sector, dispatch of personal protective equipment (PPE) supplies, communication and planning with states and territories to ensure continuity of essential supports, and outreach to vulnerable participants. Other initiatives, including the new flexible approach to low-cost assistive technology (AT), temporary price loadings and COVID-specific support items, funding for PPE and flexible planning approaches, supported continuity of services throughout the pandemic. Notably, the rate of infection amongst NDIS participants was much lower than the general Australian population, with the infection rate being approximately two and a half times higher in the general Australian population compared with the NDIS participant population as at 30 September 2020.

To support preparation and response in any future pandemic outbreak, the NDIS Quality and Safeguards Commission (NDIS Commission) is revising its Practice Standards and Quality Indicators. As part of this work, the NDIS Commission has sought input from advisors with expertise in pandemic and infectious disease control, and has consulted with stakeholders representing people with disability, and industry peaks. This work is nearing completion, with revised Practice Standards and Quality Indicators expected to be finalised in the first half of 2021.

A scheduled review of the NDIS Quality and Safeguarding Framework will be undertaken in 2021-22. This review will examine the early implementation of the Framework and its effectiveness. It is expected the review will identify any immediate areas for adjustment in the Framework in response to lessons learned during the COVID-19 pandemic and areas that need to be monitored and further assessed to determine if additional changes are required to respond to future emergencies.

2. The committee recommends that the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission maintain beyond the COVID-19 pandemic, beneficial changes that were implemented in response to the pandemic.

### **Supported**

The Australian Government has worked closely with the disability sector and state and territory governments since the pandemic began, and has responded flexibly to ensure services and supports are available for people with disability, their families and carers. The Australian Government supports the retention of measures introduced during the COVID-19 pandemic, where they will have lasting benefits.

The NDIA continues to support NDIS participants through flexible planning processes, extensions of NDIS plans for up to 24 months and the introduction of temporary measures. The NDIA has already elected to retain some measures such as the online access form, participant check-ins, plan extensions, vulnerable participant outreach and hospital discharge streamlining. The NDIA will continue to monitor COVID-19 measures and their suitability for long-term retention.

The NDIS Commission continues to issue advice and information to registered NDIS providers to support their preparedness. This includes important information about the obligations of NDIS providers to keep the participants they support safe, reduce their exposure to COVID-19, manage risk and maintain essential services. The NDIS Commission is consulting on adjustments to the NDIS Practice Standards Quality Indicators to sharpen the indicators of good practice, and evidence required to demonstrate compliance in respect of matters relating to infection control, infection and risk management and planning. The NDIS Commission will also share data with states and territories on market changes during lockdown periods in the pandemic.

3. The committee recommends that the National Disability Insurance Agency regularly and systemically engage with people with psychosocial disability and representative organisations to better understand the needs of people with psychosocial disability and mental illness.

### **Supported**

The Government recognises the value of engagement with people with disability including psychosocial disability, their families and carers, and representative organisations to support improved participant experiences of the NDIS.

The NDIA Participant Service Charter articulates the principles that guide the NDIA's engagement with participants, including commitments to include people with disability and the community in the development and testing processes, and to recognise participants' individual experiences and expertise in their own lives.

The NDIA engages regularly with people with psychosocial disability and mental illness, including through the Mental Health Sector Reference Group, established on 9 December 2014, to develop a strong working partnership between the mental health sector and the NDIA.

The Participant Reference Group also provides advice to the NDIA about the needs and experiences of NDIS participants, including people with psychosocial disability and mental illness.

In addition, the NDIA engages with participants with psychosocial disability and mental illness through targeted national public consultation. For example, national consultation is scheduled for February 2021 on the Psychosocial Recovery Coach Framework.

4. The committee recommends that the National Disability Insurance Agency establish an advisory committee, consisting of representative organisations of Aboriginal and Torres Strait Islander peoples with disability and Aboriginal Community Controlled Organisations, to provide input to national policy and program delivery.

### **Supported**

The Australian Government funds First Peoples Disability Network (FPDN) to represent the interests and voice of Aboriginal and Torres Strait Islander peoples with disability. This includes receiving input and advice on national policy and program design from FPDN in order to improve outcomes for Aboriginal and Torres Strait Islander peoples with disability when using disability-specific and mainstream systems.

The NDIA has an existing Independent Advisory Committee and a CEO forum which provides advice on scheme policy and delivery. There are people who identify as Aboriginal and Torres Strait Islander represented on both these groups. There are further engagement opportunities with Aboriginal and Torres Strait Islander organisations for the development of national policy and program delivery, including the NDIA Aboriginal and Torres Strait Islander Strategy and Rural and Remote Strategy. The NDIA has close consultation with Aboriginal Community Controlled Health Organisations to enable the NDIA to deliver the National Community Connector Program.

5. The committee recommends that the Australian Government commit to long-term investment in Aboriginal community-led education programs to build individual and community knowledge, capacity and confidence around rights and entitlements associated with the National Disability Insurance Scheme and disability supports.

### **Supported**

The Australian Government already invests in Aboriginal and Torres Strait Islander community led programs to build individual and community knowledge, capacity and confidence around rights and entitlements associated with the NDIS and disability supports and services including:

- The Information, Linkages and Capacity Building (ILC) Program has funding of around \$134 million per annum for grant activities that are available to all people with disability, their families and carers. Of the projects funded under the current ILC strategy (2019-2022), Strengthening ILC – a national strategy towards 2022, at least 36 (valued at \$38.4 million) are specifically targeting Aboriginal and Torres Strait Islander people. These projects include:
  - developing culturally appropriate disability resources for Aboriginal and Torres Strait Islander people with disability, their families, and carers

- improving understanding, support and advocacy for families of Aboriginal children with autism to improve developmental and educational outcomes
- identifying people with disability in Aboriginal and Torres Strait Islander communities and connecting them with disability supports
- mentoring and building skills for Aboriginal and Torres Strait Islander people with disability to improve their self-advocacy
- identifying how Aboriginal and Torres Strait Islander people with disability, their families and carers would like to experience health services and implement these experiences
- improving capacity of Aboriginal and Torres Strait Islander people with disability to utilise NDIS services.

Additionally, Aboriginal and Torres Strait Islander people with disability are identified as a priority group under two ILC grant rounds that are currently being assessed. The ILC transferred from the NDIA to the Department of Social Services (DSS) in 2020 to align the ILC with the new National Disability Strategy and with other national programs.

- Through existing disability advocacy programs, the Australian Government invests in the building of knowledge about rights and access to advocacy support for Aboriginal and Torres Strait Islander people with disability. The advocacy support funded during the Disability Royal Commission includes an investment of \$5.2 million (to 30 June 2022) in building:
  - the evidence base about how to improve access to advocacy by Aboriginal and Torres Strait Islander people with disability
  - capacity and capability of mainstream and Indigenous advocacy organisations
  - the number of trained Indigenous disability advocates
  - community-led education programs on rights and disability advocacy in Aboriginal and Torres Strait Islander communities.

This investment is for all people with disability including NDIS participants and will have positive outcomes beyond the lifetime of the Disability Royal Commission and inform future policy and program development.

6. The committee recommends that the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission develop, publish and implement cultural safety accreditation standards for providers, co-designed with Aboriginal and Torres Strait Islander representative organisations and Aboriginal Community Controlled Organisations.

## **Supported**

During 2020, following wide consultation and engagement, the NDIS Commission completed a national NDIS Workforce Capability Framework for the disability sector. This includes the NDIS Workforce Capability Framework module “My Aboriginal and/or Torres Strait Islander identity”, specifically developed to describe the observable behaviours of NDIS workers in meeting the Aboriginal and Torres Strait Islander cultural competency requirements of the NDIS Practice Standards.

The NDIS Commission will build on this framework to build cultural competency into the NDIS Commission's functions. This work will involve engagement with Aboriginal and Torres Strait Islander people and organisations.

7. The committee recommends that the National Disability Insurance Agency develop a strategy to engage with people with disability who are homeless and to work with this cohort or participants once their access requests have been approved.
8. The committee recommends that the National Disability Insurance Agency introduce Liaison Officers to work with homelessness organisations and related services to facilitate improved National Disability Insurance Scheme (NDIS) access and planning for people with disability who are homeless and eligible for the NDIS.

### **Noted**

All governments have agreed to the 'Principles to determine the responsibilities of the NDIS and other service systems', including Applied Principles and Tables of Support (Applied Principle). Applied Principle 8 outlines housing and community infrastructure responsibilities with homelessness related services primarily the responsibility of states and territories. This includes homelessness prevention, outreach and access to temporary and long term housing for people who are homeless, or at risk of homelessness.

The Commonwealth, states and territories developed the National Housing and Homelessness Agreement (NHHA) which commenced on 1 July 2018 and includes \$129 million set aside for homelessness services in 2020-21. Under the NHHA, to receive funding, state and territory governments are required to have publicly available housing and homelessness strategies and contribute to improved data collection and reporting.

The Government notes the recommendation to implement homelessness Liaison Officers for the NDIS, but recognises that homelessness services remain the responsibility of state and territory governments. The NDIA currently has a network of Health and Justice Liaison Officers who support both participants and mainstream systems to understand and connect to the NDIS, including participants who have experienced, or may be experiencing, homelessness.

In addition, the NDIA undertakes a range of community and mainstream engagement activities, including with homelessness services. NDIA Local Area Coordinators (LACs) also work with mainstream and community services to support potential and existing participants to access the NDIS and supports. Where mainstream services indicate to the NDIA that a person who is homeless may be eligible for the NDIS, the NDIA works with those services and states and territories to facilitate that person's access to the NDIS, and to develop a coordinated plan of supports. States and territories remain responsible for homelessness responses, including the provision of social and community housing.

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| 9. The committee recommends that the National Disability Insurance Agency develop, publish and implement clear protocols for communicating with participants about matters relating to the National Disability Insurance Scheme. |
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### **Supported**

The Government is committed to respectful and empowering communication with people with disability. The NDIS Service Charter sets out the principles for the NDIA's engagement with participants, including a commitment to increase transparency of the NDIS, and to facilitate improved access to quality information about the NDIS. As part of this commitment, the NDIA is reviewing and refreshing its Operational Guidelines to make the language clearer, simpler and easier to understand. The new guidelines are written in plain English and include more information about how the NDIA makes decisions. The NDIA designed the new format and structure based on research with participants. Information regarding the Operational Guideline refresh is available at: <https://ourguidelines.ndis.gov.au>

In addition, the NDIA has extensive practice guidance, training and resources available for all planners and participant facing staff, to ensure their interactions with participants are respectful. All planners and LACs attend in-depth training to develop skills for listening to participants and their nominees about their lived experiences and the impact of their disabilities and how to best communicate with people living with disability.

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| 10. The committee recommends that the National Disability Insurance Agency publish information about managing circumstances related to the death of a participant, including the support that is available to family members and carers, on the National Disability Insurance Scheme website. |
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### **Supported**

The Government recognises the time after a bereavement can be particularly challenging for family members, carers and support networks of NDIS participants. The NDIS website has a dedicated page with information on how to inform the NDIA that a participant has died, as well as links to where a participant's family, carer or support network can access emotional support counselling and other mainstream support services. The page can be accessed at: [www.ndis.gov.au/understanding/families-and-carers/what-do-when-someone-dies](http://www.ndis.gov.au/understanding/families-and-carers/what-do-when-someone-dies)

In December 2020 the NDIA established a new national Bereavement Support team to improve interactions and support for family members following a participant death. The new national network of trained subject matter experts is responsible for supporting the cessation of supports and the finalisation of a record following the death of a participant. They can also provide links to other mainstream support services such as the Australian Government's Carer Gateway. The Carer Gateway service providers deliver or coordinate a range of tailored supports and services to help carers manage their daily challenges, reduce stress and plan for the future, including:

- carer support planning/needs assessment
- information and advice to connect carers to services
- carer directed support packages with a focus on employment, education and planned respite, in addition to financial support cover (for example transport, cleaning, cooking, in-person counselling)
- in-person peer support, providing an opportunity for carers to meet with people in similar situations and share knowledge and experience
- access to emergency respite
- assistance navigating relevant and local services through federal, state and local



government and non-government providers, such as My Aged Care and the NDIS.

The Carer Gateway will continue to support a carer for up to 12 months after a caring role has ceased.

The NDIS Commission also has established consistent national arrangements for reporting the deaths of people with disability that occur in connection with the provision of NDIS supports and services by registered NDIS providers across Australia.