Brave New World

A 2020 vision of the NDIS

& related Appeals to the Tribunal
The largest Social Policy Reform since Medicare....

FROM 2011

PC “Disability Care & Support” Report

Disability supports are:
Inequitable, underfunded, fragmented & inefficient, giving people with disability little choice

TO 2018

Commonwealth Ombudsman’s report

NDIS disability support system is:
Unwieldy, unapproachable and driver of substantial complaint volumes for participants
Current age distribution of NDIS Participants in the ACT

ACT NDIS Participants
31 March 18

Age Group

0–14: 2.347
15–44: 2.024
45–64: 1.382
65 & over: 0.225

Thousands
SDAC 2015 age distribution of people with profound/severe impairment in the ACT

![Graph showing age distribution of people with profound/severe core activity limitation in the ACT. The graph indicates a significant increase in the number of people aged 65 and over compared to younger age groups.]
Projected age distribution of NDIS Participants over time
Estimate of age distribution
NDIS participants by 2020

SDAC 2015 - ACT
Profound/Severe Core Activity Limitation

Age Group

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Males</th>
<th>Females</th>
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</thead>
<tbody>
<tr>
<td>0-14</td>
<td>1.0</td>
<td>0.5</td>
</tr>
<tr>
<td>15-64</td>
<td>3.0</td>
<td>4.0</td>
</tr>
<tr>
<td>65 &amp; over</td>
<td>6.0</td>
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Major Sticking Points

Plan Reviews

Interface issues
- Health/Disability
- My Aged Care/NDIS
- Jurisdictional (x-border issues)

Subjective interpretations of the Act
- Reasonable & necessary
- Choice & Control
- Early Intervention
- Psychosocial

Housing
Plan Reviews

- National - 32.5% of NDIS-related complaints
- ACT - 95%+ of NDIS related problems
- Urgent need to reduce the plans going to review
e.g. Participant Pathway under review
  similar need for Plan Review Pathway review
- Reasons for review requests
  Plan contains Planner errors (funds in wrong bucket)
  Plan contains inadequate funds for AT (quotes supplied/ignored/rejected)
  Plan contains unauthorised & uncommunicated change in plan management
  Plan approval delays mean requirements have changed
Reducing reviews

- Transparency – communication & trust needed
- Backlog of review requests (Feb 2018 = 8200, with 600+ new per week)
- Review requests under s48 and s100
- Ombudsman identified that Planners classed requests for internal review interpreted as request for unscheduled review.
- Wrong process, prevented Participant going to AAT in the first instance
- Causes double handling
Health/Disability interface

- Eligibility
  (e.g. Dale Mulligan case, sciatica/heart disease, with request for lawn mowing)
- Increased need for modifications
- Increased need for ADL supports
- Increased dual diagnoses
  (Primary disability & Mental Health condition)
  (loss of existing mental health services rolled into the NDIS, only 35% eligible for NDIS)
- State government withdrawal of services
  (e.g. ACT no longer a provider of last resort available)
My Aged Care/NDIS interface

- Lack of parity between My Aged Care & NDIS
  e.g. NDIS Guide Dog care = $2500 p.a., MAC allocation = $0.
- Definition of Chronic condition
- Clear linkage to health system
- Medical model
- What you pay for assess supports is means tested
- Disability acquired at aged 64
Jurisdictional interface

- Price differentials will continue
- Due to cost of living and cost of labour
- Rural and remote areas will have thin markets

**WHAT WILL HAPPEN....**
- When Jane Smith moves from a high cost of living area (reflected in higher level of funded supports)
- To a low cost of living area, which she has chosen in order to get *Value for Money* for her package,
- And her package is then reduced at Plan Review
- She is sure to request a review of that decision.
Subjective interpretations of the Act:
‘reasonable and necessary’

The objects of this Act are to:
(d) provide reasonable and necessary supports, etc

BUT

......due to the degenerative nature of your condition we do not think that bathroom renovations are value for money.

- 30 year old mother with CMT
Reasonable & necessary supports should:

Support people with disability to:
(a) pursue their goals & maximise independence;
(b) live independently & be included in the community as fully participating citizens;
(c) develop & support the capacity to undertake activities that enable them to participate in the community and in employment.
Value for Money

The costs of the support are reasonable:

- The support will be, or is likely to be, effective and beneficial for the participant, having regard to current good practice;
- Once a support is held to be reasonable & necessary support, it should be fully funded (Perosh)
Subjective interpretations of the Act: ‘choice & control’

Objects of the Act
(c) enable people with disability to exercise choice and control in the pursuit of goals and planning/delivery of their supports

General Principles guiding actions under this Act
#8. People with disability have the same rights as others,
  - determine their own best interests,
  - the right to exercise choice and control,
  - the right to engage as equal partners in decisions that will affect their lives

#9. People with disability - supported in dealings/communications with the Agency, so that they have maximum capacity to exercise choice & control
Subjective interpretations of the Act: ‘early intervention’

- S25.1.b. Early intervention supports – reduce the person’s future needs for supports in relation to disability
- S25.1.c.i. ... mitigating or alleviating the impact.. on functional capacity
- Ominous note – in certain circumstances a person with a degenerative condition could meet the early intervention requirements and therefore become a participant
- S26.3. the CEO may determine that needs are best met elsewhere
- S28.f. improving the capacity of the carer to continue
S24.1.c. Disability Requirements

The impairment result in substantially reduced capacity to undertake, or psychosocial functioning in undertaking, one or more of:

i. Communication

ii. Social interaction

iii. Self-care

iv. Self-management
Housing

- Specialist Disability Accommodation forcing people into group house situation
- Only a very small number of a very small percentage of Participants will be funded to live alone in SDA
- Funding may not be adequate even when the ‘house’ is in a complex where shared supports are possible
- Against Human Rights, ability to choose, independence