

To FRIENDS OF FOCUS ACT:

UPDATE ON THE NATIONAL DISABILITY INSURANCE SCHEME (NDIS) April 2015

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The Language of NDIS

Families tell us they are dismayed by new jargon adopted for the NDIS. For example the terms 'bundling', 'core', 'capacity' and 'capital' make little sense to them. So what do these words mean?

Bundling: the grouping together of a range of similar supports, with the aim of increasing flexibility in choice and the use of the NDIS funding package

Core: essential supports to meet the person's daily living needs (fixed)

Capacity: desirable supports to achieve the goals of the person's plan (flexible)

Capital: purchase of essential equipment or modifications to a person's environment

Every Australian Counts (EAC) has helpfully launched an NDIS Dejargonator: go to <http://www.everyaustraliancounts.com.au/ndis-dejargonator/>. This gives clear descriptions of some of the basic words being used. However, as new words creep into the language, Focus will try to explain their meaning.

Focus raised concerns about the language being used in its evidence to the Parliamentary Joint Standing Committee Public Hearing on the NDIS this year.

Parliamentary Joint Standing Committee Public Hearing on the NDIS

Focus prepared a written submission that was sent to the Committee prior to the Public Hearing on 27 March. Chief Executive Tina Siver, Directors Damien Power and Margaret Verick and guardians of two people supported by Focus attended the hearing. Tina opted to speak first, reading from the written submission.

Building futures together



Members of the Committee posed questions on the issues raised and the Chair, Mal Brough, quickly responded first to the issue of housing. He said:

The Committee is as frustrated as no doubt not just you but everybody is. We have raised the housing issue in private sessions this week. You are obviously up with the latest, and that is that it will be before the joint ministerial meeting in April. Hopefully we will have something after that. It is probably not prudent for me to say anything further on that other than that you should be aware that this is very much on the Committee's radar. We are very aware of the role of the states and the territories and how this is absolutely fundamental. Be assured that we understand that a comprehensive and achievable housing agreement that delivers outcomes that are flexible is one of the very pivotal issues to the success or failure of the scheme.

Guardians of one of Focus' clients gave evidence that it is not possible for their family member to live with another person, something that has been tried and failed many times over many years. They are very fearful their family member will not be funded to live alone and, at 60 years of age, they want her to continue doing so in her own home without being forced to share with someone else.

Senator Jenny Macklin undertook to raise with the NDIA the needs of this client and the perception that only shared accommodation for the minimum of two people will be funded.

The guardian of another Focus client told of waiting, after attending numerous meetings, talks, discussions, information sessions, and displays associated with the NDIS, for NDIA to set up an interview. Instead, one morning, Focus was contacted by NDIA to find out where the guardian was; Focus then called her. She was distressed to find out that the interview was scheduled for that day. A Focus staff member accompanied her, arriving half an hour late because of not knowing exactly where and with whom to meet. She was further dismayed to be presented with a draft plan, compiled without her input or that of her brother. She is horrified that her sibling's assessment is to be based on the resulting plan that still contains major errors; a plan that has not been discussed with her brother or her and will be written by an assessor who never spoke to him.

The Committee Chair stated that he 'wants full and complete answers [from NDIA] as to what has occurred, why it has occurred and what has been remedied. So we will get back to you.'

Focus is pleased to report that the Committee did follow up and the guardian has had another more satisfactory meeting and planning session with the NDIA planner.

Some outcomes from NDS ACT Conference 'Change, Challenge & Choice' **The Tiers of the NDIS**

There are three tiers under the NDIS. Tier 1 refers to every Australian. In one sense, the NDIS is for every Australian, since it provides insurance against the costs of support in the event that they acquire a significant disability. Insurance is valuable, even if someone does not make a claim.

People who fall under Tier 2, now named Information, Linkages and Capacity Building (ILC), are not eligible for an NDIS package. However, David Bowen, CEO of National Disability Insurance Agency (NDIA) reassured participants during the conference:

People who fall in this category [of ILCs] will not lose their supports in the short or longer term and participants will be able to tap into the NDIS in the long term (2016-2019).

The most important elements of ILCs are:

- They build knowledge, skills, understanding and confidence
- They empower people with disability and build their networks
- They are accessible and inclusive
- They are flexible and responsive to local needs and cultures

National Disability Services (NDS) has proposed that current ILC services¹ be treated as a starting point for developing a comprehensive and national ILC network. NDS also suggested that existing ILC providers be actively engaged in co-design to develop a more detailed plan for any transfer of resources and the full implementation of the ILC.

People who are eligible for an NDIS package fall under Tier 3.

Ageing

In the ACT there are less than 100 people with disability over 65 years. In relation to the effect of the transition to the full rollout of the NDIS, David Bowen said: '*They will not miss out on services*'.

Every Australian Counts Campaign

John Della Bosca, CEO of Every Australian Counts, said the EAC Campaign must continue and encouraged everyone to renew their support because:

- The NDIS still needs to be promoted (the community doesn't yet understand it) and future NDIS budgets will need to be protected against erosion
- The scheme has to be the best it can
- Social housing models have to be developed and governments pressured to take action – EAC is collecting all comments on options on its website <http://www.everyaustraliancounts.com.au/take-action/whats-policy-housing-ndis/> (*Families may be interested in providing comment here*)
- The NDIS is the platform that will bring about positive change to community attitudes to people with disability

Quality and Safeguards Framework Consultation

Australian governments are looking at ways to make sure the national scheme will provide good quality supports and will maximise the choice and control of participants. It will also be important that the rights of people are protected and

¹ Some of Focus' clients with low level needs are expected to fall under this category.

participants are safe from harm. The consultation paper, 'Proposal for a National Disability Insurance Scheme Quality and Safeguarding Framework' was released in February 2015². The consultation period ends 30 April 2015.

NDS lists seven principles that introduce the core features and institutions that NDS believes will provide an effective quality and safeguarding system.

1. Regulation has a minority role in promoting quality and safeguards
2. Individual planning is a means of managing risk
3. Minimum standards should apply
4. Choice is a necessary but not sufficient driver of quality
5. Restrictive interventions should require authorisation by a judicial panel
6. Disability safeguards should enhance not replicate universal systems
7. Co-regulation recognises a shared responsibility for standards

The ACT's *Disability Services (Disability Service Providers) Amendment Bill 2014* came into effect on 1 July 2014. This amendment enables the ACT to maintain existing safeguards and quality standards for disability services during the NDIS trial and until a national approach to quality and safeguards is developed (see item below). This law means the standard of specialist disability services that people are used to receiving will continue during the trial of the NDIS in the ACT:

- Staff will be appropriately skilled and have appropriate background checks
- Specialist disability services will have to deliver services consistent with existing quality standards and they must have processes to receive feedback and complaints and to act on them
- If something goes wrong that could prevent a provider from continuing to deliver services, the service provider has to report it to the Human Services Registrar. This includes any time that a person with a disability is put at serious risk

Farewell Tina Siver

Enclosed with this update is a message from Wilhelm Harnisch, the Chair of Focus ACT. He gives you the news that Tina Siver, our Chief Executive for the last 10 years, is leaving us in August 2015.

Tina, you have successfully revitalised and steered Focus into the new era of the NDIS. And you have ensured that Focus has the capacity and the level of management for that to continue.

We will miss you but wish you every success and happiness in the future.

Margaret Verick
Director, Focus ACT
April 2015

² The 120-page paper is available on the Department of Social Services website at <https://engage.dss.gov.au/ndis-qsf/consultation-paper/>.