Interim NDIA paper  
Potential improvements to independent assessments

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The National Disability Insurance Agency (NDIA or Agency) acknowledges the work of the Independent Advisory Council (Council) and recognises the significance of the Council and its role in providing advice to the NDIA Board under the NDIS Act. The NDIA Board and management is also highly appreciative of the effort put in by the Council under tight timeframes and great pressure.

The NDIA is broadly supportive of the recommendations directed to the NDIA in the Council’s advice, which includes their additional consultation with people with disability, leaders of Disability Representative Organisations and State and Territory Disability Advisory Councils and groups.

The NDIA is pleased to note that stakeholders understand that the Scheme needs to be fairer, simpler and more equitable and that there is a need for a valid, reliable approach to measuring participant function and need. This provides the necessary basis for participants experiencing multiple disadvantage on the basis of low socio economic status, gender, Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds, to be appropriately supported by the NDIS. There is also greater awareness across the sector of the long-term affordability challenges facing the Scheme.

The NDIA fully accepts the proposition that independent assessments should not proceed in the form used in the pilot, and that the Council’s recommended improvements should continue to be further designed in close consultation with the disability sector. It remains the Agency’s intention to continue to test and refine the approach to assessment, so that it works for the wide diversity of the NDIS participant population, including through the establishment of alternate approaches which ensure a safe experience for participants with more complex circumstances.

The NDIA notes that many of the Council’s recommendations are consistent with feedback the NDIA has received through its own public consultation on proposed changes to the Scheme. The Council’s advice provides clear direction to the Agency on improvements to be incorporated into the final design of these reforms, including Independent Assessments and Personalised Budgets, in advance of their further implementation.

During the three month consultation period between November 2020 and February 2021, the NDIA:

* Received 769 unique submissions in response to its consultation papers on proposed changes to access, planning and early childhood approach
* Held 57 public information sessions in communities across Australia, with over 1,000 attendees, 10 of which were in rural and remote communities
* Undertook a further 150 local information sessions targeting specific groups of stakeholders including health and allied health, mental health, education, justice, Aboriginal and Torres Strait Islanders, rural and remote and culturally and linguistically diverse communities.
* Hosted 6 virtual sessions specifically for providers with over 300 registrations
* Engaged in 112 discussions with the Council, national peak bodies, sector representatives, state and territory governments’, academic experts and other relevant stakeholders.

Over the same period and through to 31 May and beyond, the NDIA ran a second pilot of independent assessments, which was voluntary. The purpose was to understand how to improve participant experience of the assessment process and seek feedback on the assessment tools and how they are best applied. The Agency is grateful to the Council members who participated in some of the interviews with the consent of participants.

By 31 May assessor organisations had completed 3,759 assessments as part of the second pilot, including participants in all States and Territories, and across 84 primary diagnosis classifications. While a broad range of participants undertook an assessment, some cohorts were under-represented, in particular participants in the Northern Territory, from Aboriginal and Torres Strait Islander communities and participants with psychosocial disability. Voluntary assessments will continue to be offered to participants who opt into the pilot to ensure the final design works for all participants.

The NDIA has learned much through this process. The Interim Evaluation Report (independently validated by the Centre for Disability Studies and the Centre for Disability Research and Policy at the University of Sydney) includes key considerations the Agency will progress around the improvement of independent assessments. This accords closely with many of the Council’s recommendations on this issue.

The NDIA expects to support or support in principle all of the recommendations directed to it by the Council relating to independent assessments, personalised budgets, rebuilding relationships with the disability community, and provider practice, and to note recommendations directed to governments. Some Council recommendations will require further consultation and engagement with the disability sector to assess their alignment with Scheme reform objectives to improve consistency and equity of decision making. Operational feasibility, efficiency and resource implications will also necessarily have to be considered, as will the financial sustainability of the Scheme.

The NDIA is committed through this further consultation to strengthening relations with the disability sector, to navigate a range of complex issues relating to Scheme reforms and to establish a stable and predictable NDIS that is here for generations to come. To support this greater collaboration, the NDIA will work with the Council and Disability Representative Organisations to agree a forward process and roadmap for when and how this engagement will occur, including around the design of the proposed personalised budgets model and how it should be implemented.

The NDIA acknowledges the wider issues raised in the Council’s advice regarding the current operation of the Scheme that must be addressed concurrently with any changes to access and planning processes. The NDIA agrees that the proposed changes, including independent assessments, are not the single solution to the challenges the Scheme faces and agrees that intergovernmental actions can work to reduce unnecessary reliance on the Scheme in tandem with appropriate boundaries and controls being in place. The NDIA specifically notes that DSS has consulted with the Council to support the development of a new National Disability Strategy that will focus on facilitating coordinated action through targeted plans with stronger monitoring, reporting and governance arrangements. The NDIA will also work with Department of Social Services on its refresh of the ILC investment strategy to ensure the objectives of this vital part of the Scheme are achieved.

The NDIA notes that the Council Advice contains a number of criticisms concerning both the independent assessment proposal and the operation of the Scheme more broadly. The CEO has previously acknowledged the Agency’s regret that its genuine attempts at consultation and engagement have not to date proved sufficient. The NDIA also accepts that more could have been done earlier to inform the sector of the detail of the emerging pressures on the Scheme’s long term affordability. The Agency has since released further detailed information on the financial performance of the Scheme including forward actuarial projections and assumptions in the interim update to the[Annual Financial Sustainability Report (AFSR) Summary](https://ndis.gov.au/about-us/publications#afsr). This provides greater transparency and, together with the significant findings of the Tune Review in relation to participant experience, makes up the broader context for the necessity of Scheme reform. The Agency firmly commits to moving forward in a positive way to address these challenges in the interests of the Scheme, its participants, and the wider community, over both the short and longer term.

The NDIA is increasingly focused on a broad range of other areas for improvement, informed by the Council’s advice, the recommendations of the Tune Review and advice from Disability Ministers. While much remains to be done, the NDIA is progressing extensive wider reforms, including through close collaboration with the Council. Examples of these wider reforms include:

* Implementing the Participant Service Guarantee to the greatest extent possible prior to legislative change through the NDIA’s Participant Service Charter and Participant Service Improvement Plan. This has led to marked improvements in wait times and reductions in backlogs and has established clear principles that enhance and strengthen the participant centred focus of the NDIA, requiring the Agency to be transparent, responsive, respectful, empowering, and connected in our approach to engagement.
* Designing new policies to enhance participant choice of home and living supports, and to improve support for decision making. These policies were developed in close collaboration with the Council and other stakeholders prior to their release for public consultation in June 2021.
* Development of a Psychosocial Recovery-Oriented Framework in collaboration with participants and the mental health sector to ensure that the NDIS adopts a best practice approach to supporting participants with psychosocial disability.
* Implementing the NDIS Participant Employment Strategy, including a recent review to update key priorities and actions to respond to the current pandemic environment and better align with broader Government employment initiatives, including the National Disability Employment Strategy.
* Working to improve the NDIS Early Childhood approach so that the Scheme supports young children and their families early to reach their full potential, while also enhancing the work of Local Area Coordinators so that they will be more focused on supporting participants with making and maintaining community and mainstream connections. The NDIA’s response to previous Council advice on these matters was circulated to Disability Ministers in October 2020 and April 2021 respectively.
* Progressively reforming key products and services including Specialist Disability Accommodation, Supported Independent Living, Assistive Technology, Home Modifications and Support Coordination to provide participants with greater clarity on decision making processes, an improved experience interacting with the Agency and enhanced choice, control and flexibility in how these supports can be used.
* Working to simplify and improve payment processes so that the Agency can directly pay for registered and non-registered providers of services, removing the requirement for some participants to pay first and then claim back, and introducing new systems to make sure providers are paid promptly and accurately ensuring participant supports are not interrupted.
* Initiating a program of work to define an optimal Complex Support Needs service model and pathway that provides skilled support for people with disability with personal and situational factors that are beyond the standard NDIS Service Delivery model and delivers high quality outcomes for participants with the most complex needs.
* Undertaking extensive research to better understand what works in improving participant outcomes around employment, home and living and social and community participation and commencing a program of work to translate these findings into accessible guidance for participants to assist with their decision making.
* Building on the evaluation of existing thin market trials to develop market stewardship strategies across the whole provider market, with a focus on certain sub-markets, to drive opportunities that can optimise the benefits of personalised budgets and plan flexibility by shaping the market to deliver more innovative, flexible and diverse service models.
* Working with related service systems to transition people from hospitals, the criminal justice system, residential aged care, and out-of-home care to promote an optimal experience for participants navigating the NDIS interface, especially where participants are experiencing multiple disadvantage or a deterioration in circumstances.
* Continuing to work with partners in the Social Services portfolio on key strategies to address workforce and market related issues with the Scheme. This includes working with DSS and the NDIS Commission on the newly launched NDIS Workforce Development Strategy, the Workforce Capability Framework prepared by the NDIS Commission, and preparing for the review of the NDIS Quality and Safeguards Framework.
* Working with the Quality and Safeguards Commission to find the appropriate balance between protecting participants and allowing them the dignity of risk.

This paper is an interim response to the Council advice. Given that the NDIA has only recently received the Council’s advice, it will shortly develop a formal response as required in the NDIS Act. This will be provided to State and Territory Disability Ministers and also released publicly.

The NDIA is proposing to make substantial changes and improvements to the independent assessment model used in the pilot, based on its initial review of the Council advice, feedback from public consultations, and the findings and evaluation of the second independent assessment pilot.

The key changes outlined in the table below represent a significant evolution of the pilot model that will better serve the diverse needs of participants and their families, improve their experience of the assessment process and build in greater safeguards to protect their rights to review and appeal. This is a preliminary list of changes and does not attempt to comprehensively address all of the Council’s recommendations. This does not reflect any lack of agreement or the limits of changes the NDIA will make, only the requirement for further work to be undertaken over the coming weeks to more fully consider recommendations in developing the Agency’s formal response to the advice.

These proposals also underline the Agency’s commitment to continuing to test, refine and improve the approach over time, including via new formalised mechanisms for community and expert input, both before and after any commencement of the approach.

## Proposed improvements to the Independent Assessment process (not final)

| **Group** | **Proposed improvements** |
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| 1. Alternate assessment approaches | 1. Tailor the approach to assessment, including the method and considering who conducts and supports an assessment to protect the safety and wellbeing of those who:    * have a history of trauma or abuse;    * are transitioning from institutional arrangements (e.g., hospital, residential aged care, justice);    * have complex support needs; and    * require a support person for decision-making in order to engage with the process. 2. Amend the assessor panel to ensure:    * more experienced professionals to undertake assessments for participants with more complex circumstances;    * access to complete assessments conducted by multi-disciplinary teams where appropriate and required; and    * links with service providers in remote/very remote areas, or those who specialise in working with Aboriginal and Torres Strait Islander and culturally and linguistically diverse populations where appropriate 3. Define minimum standards to be able to complete an assessment including via tele-presence (e.g. participant familiarity with technology, participant context, and suitable bandwidth). |
| 1. Choice of assessor | 1. Introduce system “skills tagging” to enable participants to have greater choice over who their assessor is, including professional speciality, gender, and cultural characteristics (if available in their location). |
| 1. Assessor experience and conduct | 1. Use Disability Representative Organisations and individuals with lived disability experience to help design, conduct, and improve training for assessor organisations (this will be further considered as part of the development of a Quality Assurance Framework and associated Competency Framework which will be co-designed with people with disability and other experts) 2. Support assessors to apply their clinical judgement around how the assessment is conducted (e.g. what questions do or do not need to be asked). This will promote an effective interaction and reduce a prolonged question-answer exchange. |
| 1. Use of pre-existing information | 1. Allow appropriate pre-existing information from a participant’s treating professional to be used alongside the assessment, and clarify how this information is shared with the assessor, the type of information that can be considered and how it will be used. |
| 1. Toolkit improvements | 1. Refine the current assessment tools and how they are applied to better support participant experience, simplify the approach and remove overlaps and duplication where possible across tools where this does not undermine tool validity. 2. Scope the development over time of proprietary tools that are purpose built and validated for use in the NDIS context. |
| 1. Checks, inputs, and reviews before the assessment is used | 1. Provide participants a fixed amount of time to ensure the assessment is a true and accurate reflection of the conversation with their assessor and the answers they provided before it is used for Agency decision making. 2. Establish a clear process for complaints and reviews to resolve disagreements on assessment findings before they are used for Agency decision making (this will be further considered as part of the development of a Quality Assurance Framework which will be co-designed with people with disability and other experts). |
| 1. Ongoing oversight and evaluation of assessment tools and systems | 1. Establish appropriate governance bodies to oversee the ongoing development and implementation of the Personalised Budget Model and Independent Assessment Framework (including quality, assessor capability and assessment tools) which incorporates Council members, disability representatives and other technical experts 2. Establish ongoing monitoring and evaluation of the implementation of independent assessments and the personalised budget model by these governance groups to ensure continuous improvement |

As we progress with the work that needs to be done to further improve the Scheme’s operation, the Agency wishes to acknowledge the many thousands of lives transformed during the first 8 years of operation, the more than 465,000 participants now receiving supports, including 260,000 for the very first time, and the monumental efforts of so many Australians in building an NDIS from a grassroots campaign to a world leading and truly national approach.