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National Disability Insurance Agency (NDIA)
Victoria & Tasmania

Via online portal: <https://www.ndis.gov.au/community/have-your-say/access-and-eligibility-policy-independent-assessments>

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Submission: Access and eligibility policy with Independent Assessments

Introduction

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) welcomes this opportunity to provide feedback on Consultation Paper 1 'Access and eligibility policy with Independent Assessments'. Aboriginal people have struggled to gain access to the Scheme and, similarly, Aboriginal workers have struggled to support individuals with their access journey. The emphasis of the submission is the need to ensure the new Independent Assessment approach is fit for purpose for Aboriginal and Torres Strait Islander people and organisations. The term Aboriginal is used inclusively throughout the submission and refers respectfully to Aboriginal and Torres Strait Islander people.

VACCHO is the peak body for Aboriginal health and wellbeing in Victoria, with 32 Aboriginal Community Controlled Organisations (ACCOs) as Members. VACCHO Members support over 25,000 Aboriginal people in Victoria, and combined are the largest employers of Aboriginal people in the state. VACCHO was established in 1996. The role of VACCHO is to build the capacity of our Membership and to advocate for issues on their behalf. Capacity is built amongst Members through strengthening support networks, increasing workforce development opportunity and through leadership on particular health areas. Advocacy is carried out with a range of private, community and government agencies at the state and national levels, and on all issues related to Aboriginal health.

Overview

Independent assessments, if implemented correctly, will allow for transparency and equity in the NDIS application process—and will better capture a person's functional capacity and unique circumstances. Independent Assessments that are appropriately designed should lead to further inclusion of Aboriginal communities in the NDIS by ensuring that cultural safety is paramount to assessments of Aboriginal people across the country. VACCHO has a number of recommendations regarding the successful implementation and use of Independent Assessments that reflect the need for Aboriginal voices and communities to be at the forefront of a self-determining, culturally safe and free assessment process.

As mentioned in the NDIS Paper on the Evaluation of the Independent Assessment Pilots (September 2020), VACCHO welcomes the NDIA's recognition of the current approach to assessing a person's functional capacity as inadequate and leading to inconsistent, inappropriate and inequitable eligibility and plan budgeting decisions. Given the ongoing challenges of racism in the health sector, VACCHO has been concerned about two key areas:

- The medicalisation of the assessment process, including emphasis on diagnosis of disability and impairment, which is a marked move away from the original focus on 'capacity to function' and contrary to an Aboriginal strengths-based approach, and;
- The lack of Aboriginal health practitioners providing referrals or undertaking assessments. Consequently, there is a lack of cultural safety that can lead to bias in the diagnostic process.

In the current system, assessments require subjective judgments from NDIS staff. This means that non-Aboriginal staff make judgments based on their own experiences and background, and do not consider the

specific needs of Aboriginal people. Subjective judgments can lead to the perpetuation of racism, and often ignore impacts of intergenerational trauma and systemic racism as leading factors in influencing an Aboriginal person's overall health and wellbeing. It is evident from the poor uptake of the Scheme by Aboriginal people that there are a number of factors not working when it comes to the cultural safety and appropriateness of the NDIS. VACCHO considers barriers to access and the inconsistency of the process to be a key factor in the poor uptake of the Scheme.

VACCHO's Recommendations regarding Access and Independent Assessments

1.0 Independent Assessments for Aboriginal people must be culturally safe. VACCHO prioritises cultural safety when considering Independent Assessments, as this trusting practitioner-client relationship is key so that that Aboriginal person seeking to access the scheme can be honest with the assessor and share sensitive personal details unafraid of negative consequences. Cultural safety is about providing quality service that fits within the cultural values and norms of the person accessing the service that may differ from your own and/or the dominant culture and provides the basis for the development of trust. Without that trust, the assessor will not be able to make a full assessment and assist in connecting the individual with the services that will best support them. The person may also disengage for fear that the information shared could be used against them or their family. The impacts of colonisation, systemic and individual racism, and the Stolen Generation continue to affect Aboriginal communities, and have led to widespread distrust in the government, institutions and organisations—that currently and historically perpetuate and sustain harmful, culturally unsafe practices. This points to the importance of having Aboriginal people at the forefront of NDIS service delivery, and the need for ACCOs to play an essential role in the coordination of Independent Assessments.

From ongoing work with our Members, VACCHO understand that cultural safety must be embedded in the entirety of the NDIS system and process—including through assessments, local area coordination (LAC) and NDIA planners so it can be accessed by Aboriginal participants. If Independent Assessments are not culturally safe, they will be inaccurate and lead to funding that does not address or support the participant. The system requires assessment staff who genuinely understand and care about the Community and value the participants in a holistic way, including understanding their Cultural needs. Culturally safe assessments are critical to the success of the NDIS.

The current NDIS funding model precludes many ACCOs from providing NDIS disability services because the financial risk is too great. Many Aboriginal people in Victoria—and across Australia—want to access disability services through their local ACCO. When this cannot occur, Aboriginal people often go without seeking help for their disability and consequently 'fall through the cracks' of the NDIS. Many Aboriginal people are fearful about the assessment process, and are unclear about what assessment entails; there is an inherent fear about disclosing information about their lived experience to a non-Aboriginal person who does not understand cultural norms and lived experience, and could respond with deficit based thinking, stereotyping or racial profiling. That is why it is important that Independent Assessors either work in an ACCO or have close, embedded relationships with ACCOs—ensuring that cultural knowledge and skills are fundamental to the assessment of Aboriginal people.

2.0 The NDIA must facilitate the co-location of assessors within ACCOs as a standard feature of the Independent Assessment system. This would directly benefit Aboriginal participants because ACCOs are culturally safe environments where Aboriginal people already receive services. ACCOs are trusted by their Communities to provide wrap-around health and wellbeing services to Aboriginal people—upholding cultural safety and cultural practice through service delivery. Independent Assessor placement with ACCOs would enable sharing of information and more awareness of the service offering for Aboriginal people visiting the ACCO, consequently reducing fear. Currently, assessors are routinely based in ACCOs, and therefore Aboriginal participants do not have a choice whether to access the Scheme through a culturally

safe avenue. Enabling Independent Assessors to co-locate with ACCOs would provide greater choice and control for culturally safe services. This is one of the rights Aboriginal people with disability should be able to exercise to receive a safe service. Choice of service is important for Aboriginal participants regardless of location; no one should experience challenges to accessing the Scheme due to geography, which means culturally-safe assessors must be deployed and used across ACCOs and Aboriginal Medical Services (AMSs) in all regions. Assessors must be available in urban, regional and remote areas. ACCOs are available throughout Victoria and across the country and their involvement in the assessment process greatly extends the availability of culturally safe Independent Assessors in regional rural and remote areas.

3.0 Where Independent Assessments are unable to be based within an ACCO, the assessor must have close links to an ACCO to ensure that the Aboriginal service user is assessed in a culturally safe manner.

This ensures the functional impacts of each person's disability is captured in a holistic, empowering and person-centred way. If there is not an Aboriginal assessor available, or there is no preference from the participant and a non-Aboriginal assessor has appropriate oversight, this is the next best option. Therefore, while it is ideal that there are identified Independent Assessors working out of an ACCO, other solutions include a non-Aboriginal assessor co-locating or working through the ACCO with strict cultural safety oversight provided.

4.0 NDIS to designate a proportion of the Independent Assessment workforce as identified positions.

Without commitment to a workforce target, there is not the accountability and motivation in the system to attract Aboriginal assessors. VACCHO recommend the NDIA adopt a formal position on this so it can be put into practice. This recommendation is important as there should be identified Aboriginal Independent Assessors who can be selected by participants. This will enable meaningful choice and control for participants when navigating the NDIS.

5.0 Where ACCOs' have capacity to host or oversee the work of an Independent Assessor, the NDIA should negotiate partnership with Aboriginal Jurisdictional Peak bodies, such as VACCHO, to offer an Aboriginal State-wide Independent Assessment service. As a self-determining, Aboriginal community-controlled organisation, VACCHO and other Aboriginal health and wellbeing peak bodies have the capacity to coordinate Aboriginal staff and monitor the cultural safety of the assessment process. There would need to be ongoing negotiation between the NDIA and jurisdictional bodies about the arrangement of a state-wide service, but VACCHO is confident that this is a viable option.

6.0 The NDIA must partner with and fund ACCOs to develop and disseminate tailored, clear, localised, plain English communications to assist Aboriginal communities to navigate NDIS processes and engage with Independent Assessors. It is critical that the NDIA recognise that disengagement of Aboriginal people from the NDIS—especially at the initial stage of access to the NDIS—will lead to further entrenched marginalisation of Aboriginal communities and sustained poor health and wellbeing outcomes. Additionally, low engagement in areas such as plan usage reflect issues with understanding of Aboriginal participants and their needs, coupled with an issue of thin markets where there is a significant lack of culturally appropriate services.

7.0 The NDIA workforce strategy must address the lack of Aboriginal and Torres Strait Islander workers in all aspects of the NDIS system. The strategy should recognise the need for training courses and programs to upskill Aboriginal people to take up emerging roles. It should also cover recruitment, employment, retention, professional development, training, career pathways and culturally appropriate supervision and mentoring for Aboriginal staff at all levels. The commitment to improving pathways should also include streamlined recognition of prior learning (RPL) processes and other mechanisms to enable people with lived experience and work experience in the sector to meet and exceed quality standards. Provision of cultural safety training for non-Aboriginal staff is necessary but not sufficient to embed cultural safety into NDIS systems and processes.

7.1 The NDIA workforce strategy must provide pathways for Aboriginal practitioners to become Independent Assessors. VACCHO agrees that Independent Assessors workforce should include health professionals with backgrounds such as social work, counselling, psychology, and occupational therapy. It is also important that Independent Assessors include staff from multidisciplinary teams run out of ACCOs, including social and emotional wellbeing workforces. Independent assessors with a profound understanding of the complex psychosocial and environmental influences on Aboriginal people with a disability will be able to provide a more consistent, equitable assessment that better reflects the social model of disability.

8.0 NDIS Reassessments should also be user-friendly, timely and person-centred—similarly capturing an individual's unique needs and expectations. The focus of the submission has been the necessity for culturally safe Independent Assessments. However, VACCHO also encourages the NDIS to consider the service user's ongoing experience and the way that reassessments might be facilitated in the most appropriate manner. Given the challenges to ongoing engagement of Aboriginal participants with the NDIS, and lack of resourcing for Access and Support workers, VACCHO is aware that complications with reassessment could lead to disengagement of participants and risk of eligible people not receiving services.

9.0 The Independent Assessment toolkit should be continuously reviewed. Changes that are made to the tool to fit the needs and experiences of Aboriginal people should be integrated into the wider Independent Assessment system where possible and appropriate. The assessment process ultimately exists within a broader, overarching NDIS process—and Aboriginal voices, expertise and experiences must be embedded in and central to the entirety of the NDIS journey.

VACCHO looks forward to further work with the NDIA to refine and improve the Independent Assessment process and identify the best method for ensuring culturally safe assessors. We welcome further correspondence about the matters raised in the submission. VACCHO is also eager to see the NDIA further consult with ACCO NDIS service providers about the barriers to access which has proven to be a persistent issue with the Scheme.

