

Dr ^{s22(1)(a)(ii) - irrelevant} expressed concern regarding the self-management issues, noting no changes have been made to the guidelines that delegates are receiving. Dr ^{s22(1)(a)(ii) - irrelevant} asked Ms Paior to share examples of this issue and would follow up.

Action 3: Ms Paior to share examples of the self-management issues with Dr ^{s22(1)(a)(ii) - irrelevant} for investigation.

3. Council Advice

3.1. Operationalising intersectionality

Ms ^{s22(1)(a)(ii) - irrelevant material} provided a brief overview of the 'Operationalising intersectionality' statement.

Members commended Ms ^{s22(1)(a)(ii) - irrelevant material} for her work, noting the following points:

- the importance of the impact of trauma and intergenerational trauma.
- the need to use case studies and real-life stories to help people understand what this statement is about.
- the importance of including a plain English version, as this makes content more accessible to a wider range of people, including people with disability and those whose first language is not English.

3.2. Voice of children and young people

Ms ^{s22(1)(a)(ii) - irrelevant material} briefed Members on the development of the draft advice 'Improving the NDIS for children and young people: the importance of being guided by their voice,' noting the Children, Young People and Families Reference Group endorsed the advice to progress to Council.

Ms ^{s22(1)(a)(ii) - irrelevant material} also acknowledged Mr Blackwood's work and support in drafting the advice.

Members provided the following feedback:

- this is an exciting piece of work that hasn't been done before in Australia.
- all children need the opportunity to be a child.
- the need to represent a young person's NDIS journey from infancy to adulthood, including ways to support their employment.
- ways to support parents to support their child's voice, including supported decision making, should be added.
- concerns around language used around parent capability. Members suggesting improvement in this area is required.
- the need to reinforce the original intent and role of a local area coordinator in a young participant's life.
- make connections to children's rights as part of the Convention on the Rights of Persons with Disabilities and Australia's Disability Strategy.

- the need to connect this advice with Council's other advice and co-designed policies.
- stressed the importance for a whole of government approach to supports, whereby the NDIS is not seen as the only way to support children and young people.
- the need to reinforce that over prescription of developmental therapies for children and associated funding does not always lead to good outcomes or community connection.
- it needs to be clear what Council is recommending with regard to raising the Voice of children and young people.

Members thanked Ms s22(1)(a)(i) - irrelevant material and Mr Blackwood for their work and noted further consideration of the Advice was required.

Action 4: Members to provide feedback to Ms s22(1)(a)(i) - irrelevant material on the Advice 'Voice of children and young people' by 22 January 2023.

4. Co-design Update

4.1. Update on Co-Design Advisory Group activities

Ms Mahmic provided an update on the work of the Supported Decision Making co-design project. Ms Mahmic said the Agency's engagement felt authentic and meaningful. Their willingness to work in partnership with the disability community, including involving the right people and/or organisations in co-design was great.

Members said the Home and Living Framework is tracking well, although raised concerns that there may be push back from large providers when released publicly.

Council raised concerns with the Participant Safeguarding Policy, noting the Policy doesn't include recommendations from Council's original advice. Members were keen to discuss their concerns and provide further feedback to the Agency out of session.

Action 5: Interested Council Members to meet with the Agency to provide additional feedback on the Participant Safeguarding Policy.

5. Complex Needs

5.1. YPIRAC and Hospital Discharge

Ms s22(1)(a)(i) - irrelevant material and Mr s22(1)(a)(i) - irrelevant material gave an update on the extensive work undertaken by the Agency around hospital discharge.

Members commended the Agency for their work, noting the notable improvements in hospital discharge for participants.

Members raised the following points:

- a need for greater understanding of data on young people with early onset dementia who transition from hospital and those forensic patients awaiting hospital discharge.

- queried the 30-day Agency target to approve a hospital discharge plan, noting the disability community was calling on shorter timeframes. Ms [redacted] noted the Disability Reform Ministers made the decision.
- concerns about where participants go when they leave the hospital. Noting, sometimes participants are placed in accommodation that is not appropriate.
- reference the Victorian Disability Hospital Liaison Officer model, which has delivered better outcomes and support for people with disability in accessing health services. Members suggesting that employing people with disability in Health Liaison Officer positions would be beneficial and result in better outcomes for participants.
- importance of accessible communication, stressing the need for information about complex supports to be in plain English and Easy Read.

6. Meeting close

6.1. Other Business

The Principal Member thanked Members for their open, transparent, and honest feedback and discussion throughout the year.

6.2. Next Meeting

The next meeting will be in February 2023.

The Principal Member invited Members to a voluntary 'in camera' session to those who could join following the meeting and closed the meeting at 5.00pm.

Themes from meeting chat

- The NDIS Quality and Safeguard Commission's Workforce capability framework:
<https://workforcecapability.ndiscommission.gov.au/framework>
- Registered versus unregistered providers, and the role of the NDIS Quality and Safeguards Commission

Meeting 15 November 2022

**OFFICIAL**

AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 7 of 2022-23

Date: Wednesday 22 February 2022

Log-in details:

[Independent Advisory Council meeting](#)

Or call in (audio only)

s22(1)(a)(ii) - irrelevant material

SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 1.00pm-1.15pm

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising, and declaration of interest

SESSION 2: COUNCIL UPDATES 1.15pm-2.15pm

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.
- ITEM 2.2 Board Chair and CEO Update

Break 2.15pm-2.30pm

SESSION 3: SCHEME ACTUARY 2.30pm-3.15pm

- ITEM 3.1 Measurements of adherence to the Participant Service Guarantee recommendations

NDIA representative: David Gifford, Scheme Actuary

Break 3.15pm-3.30pm

SESSION 4: COUNCIL REPORTING 3.30pm-4.15pm

- ITEM 4.1 Update on the NDIA's reporting on Council's recommendations

NDIA representative: Jamie s22(1)(a)(ii) - irrele GM Strategy and Priorities; Julian s22(1)(a)(ii) - irrelevant mate BM Delivery and Change Office; Loretta s22(1)(a)(ii) - irrelevant material BM ECEI; and Fiona s22(1)(a)(ii) - irrelevant mate BM LAC

SESSION 5: NDIS REVIEW 4.15pm-4.45pm

- ITEM 5.1 Discussion on NDIS review

SESSION 6: MEETING CLOSE 4.45pm-5.00pm

- ITEM 6.1 Other business



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ITEM 6.2 Next meeting



Minutes of the Independent Advisory Council to the NDIS

Meeting 7 – 22 February 2023

1.00pm to 5.00pm, hosted on MS Teams

Members

Ms Leah Van Poppel
Dr Sharon Boyce
Adjunct Associate Professor Jennifer Cullen
Dr Leighton Jay
Ms Sylvana Mahmic
Ms Tricia Malowney OAM
Mr James Manders
Ms Sam Paior
Ms Liz Reid AM
Dr George Taleporos
Mr Mark Tonga

Council Expert Advisor

Dr Ben Gauntlett, Disability Discrimination Commissioner

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chair
Ms Maryanne Diamond, NDIA Board Director
Ms Rebecca Falkingham, Chief Executive Officer
Ms Corri McKenzie, Deputy CEO, Strategy and Service Improvement
Ms Jess [redacted] Branch Manager, Agency Policy
Mr David Gifford, Scheme Actuary, Analytics, Data and Actuarial (Session 3)
Ms Jamie [redacted] General Manager, Strategy and Priorities (Session 4)
Mr Julian [redacted] Branch Manager, Deliver and Change Office (Session 4)
Ms Fiona [redacted] Branch Manager, Partner Program (Session 4)
Ms Loretta [redacted] Branch Manager, Early Childhood Services (Session 4)
Ms Kathy [redacted] Director, Strategic Advice
Ms Marina [redacted] Assistant Director, Independent Advisory Council Secretariat
Ms Carly [redacted] Assistant Director, Independent Advisory Council Secretariat
Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council Secretariat
Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council Secretariat

Attending

Mr Gavin Burner, Intellectual Disability Reference Group Member
Ms Belinda [redacted] AM (Council's Independent Consultant)
Mr Alan Blackwood (Council's Independent Consultant)

s47F- personal privacy

Observers

Ms s47F- personal privacy, Participant Advocate (Session 2)
Mr s47F- personal privacy, Participant Advocacy Adviser (session 2)
Ms Gemma [redacted] Assistant Director, Independent Advisory Council Secretariat
Mr Ari [redacted] Intern, Independent Advisory Council Secretariat

Apologies

Ms Kerry Allan, Council Member (taken leave of absence)
Dr Sam [redacted] General Manager, Policy, Advice and Research

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.04pm.

Adjunct Associate Professor Cullen provided an acknowledgement of the Traditional Custodians and Owners of the lands on which Members and attendees were meeting.

The Principal Member also acknowledged people with Disability, whose voice Council looks to represent. Additionally, the Principal Member recognised several key events and dates that have occurred over the past month, including:

- Lunar New Year – 22 January.
- Anniversary of the Apology to members of Stolen Generation – 13 February
- Sydney World Pride – 17 February to 5 March

The Principal Member noted:

- Ms Malowney and Ms Boyce would be in and out of the meeting today due to other commitments.
- Dr [redacted] is an apology; however, Ms [redacted] is attending in his place.

The Principal Member welcomed:

- Ms Corri McKenzie, Deputy CEO Strategy and Service Improvement, to her first Council meeting. Noting Ms McKenzie will attend all meetings in the future.
- new Secretariat team members who are attending the meeting as observers:
 - Ms Gemma [redacted] who will look after three of Council's Reference Groups
 - Mr Ari [redacted] who is a Stepping into intern, completing a placement with the team.
 - Ms Maryanne Diamond, NDIA Board Director

The Principal Member noted the following information is available in the Diligent Resource Centre:

- Out of Session meeting reports from the Secretariat:
 - Meeting with Indigenous Leaders
 - Discussion with Equity and Inclusion Reference Group – First Nations Strategy
- Agency update on 3P initiative

The Principal Member advised Council's advice 'Improving Equity in the NDIS' together with the Agency response will go to Board on 3 March.

The Principal Member also provided an overview of the new process for out of session meetings, noting this is a trial process for six months and welcomed Members feedback.

1.2. Confirmation of minutes, matters arising, and declaration of interest

Council approved the minutes from the meeting held on 15 December 2022 and noted the matters arising.

Council noted the updated register of conflicts of interest circulated in advance of the meeting.

s47F- personal privacy

2. Council Reports

2.1. Members and Expert Advisers: Reports 'from the ground'

The Principal Member noted Ms ^{s22(1)(a)(i) - Irseva} Participant Advocate and Mr ^{s47F- person} Participant Advocacy Adviser are in attendance as observers for this session.

Council Members raised the following points they had heard related to the NDIS:

- Concerns delays in specialist disability accommodation (SDA) decisions are leaving some participants at risk. Members requesting further information on what steps are taken to shorten timeframes around approvals when risk to participants is identified.

- Continuing access issues in the Northern Territory and Alice Springs for First Nations young people in the justice system. Ms Reid noting, she is working with the Agency to around this issue.
- Concerns the NDIS access request form is not available in languages other than English or Easy Read.
- Limited knowledge of Justice Liaison Officers (JLOs) in correctional facilities. Members suggested the need to raise the profile of JLOs and how to access them.
- Issues with the way planners write participant plans, including misquoting participants.
- General concerns around local area coordination (LAC) and support coordinator service and planning quality, ability to train staff, and planning support.
- Issues around hardening rental accommodation for NDIS participants.
- Continued concerns around:
 - plan reductions without warning or a step down approach
 - changes to plan management type without participant knowledge

Members requested further information and discussion with the Agency around these issues.

- Ongoing shortages of skilled disability workers.
- Risk that some NDIS providers cannot provide services that are not covered as part of their insurance policies.
- Concerns with Information, Linkages and Capacity Building program (ILC) non-competitive grant rounds and the lack of outcomes for participants with these programs. Members agreed to have the Department of Social Services (DSS) attend a future meeting to discuss the process.
- Positive feedback on the Agency's work to improve hospital discharge and the data dashboards on acquired brain injury.
- Delays in specialist disability accommodation (SDA) decisions are leaving some participants at risk. Members requesting further information on what steps are taken to shorten timeframes around approvals when risk to participants is identified.
- Insufficient private mental health in-patient facilities to assist people with physical and ambulatory disabilities. The Principal Member suggesting Dr Gauntlett and Ms Reid could raise this with the Australia's Disability Strategy (ADS) Advisory Council and Dr Jay, as Council representative, at the next National Mental Health Sector Reference Group (NMHSRG) meeting.
- Concerns around participants and the community not able to lodge complaints with the NDIS Quality and Safeguards Commission.

- Concerns from providers that the Commission's regulatory framework is too hard for them to comply with and there is limited interaction between the national commission and states/territories.
- Lack of appropriate support to people with cognitive disabilities and/or complex situations. Members stressed the need for specialists or the reintroduction of case managers to provide support in these situations.
- Inconsistent allocation of funding, with members reporting some participants with modest needs get excessive funding.
- Concerns around the lack of choice and control for people to get supports to live alone or live with others without disability.
- Families of participants with high needs want two year plans due to the administration needed to get NDIS supports. Administration is worse for supported independent living (SIL) or change of circumstance.
- General issues around SIL, individualised living options (ILO) and short-term accommodation funding, administration and decision making.
- Concerns that people with an intellectual disability may not have appropriate support in planning meetings. Members asked how many participants with an intellectual disability do not have plan nominees. The Agency took the question on notice.
- Concerns around participants wanting a plan rollover and the funding associated with that plan. Members queried whether the funds in rollover plans meet CPI and Price Guide increases. The Agency took the question on notice.
- Members congratulated the Agency on its work to reduce Administrative Appeals Tribunal (AAT) cases and the positive outcomes for participants. Members queried whether the Agency kept records of the AAT cases, including outcomes. The CEO advised she would share the themes of AAT cases with Council.

General discussion occurred around the Members reports, the process, follow up of questions raised in previous reports and Members' ability to escalate if they feel Agency responses are not adequate. The Principal Member said Board Members have access to all Council papers via Diligent and an update is provided to Board, along with discussion at every meeting. Although noted a review of the process and escalation would be beneficial.

Additionally, Ms Falkingham noted the feedback and themes raised by Members and provided some comments back to the meeting.

Action 1: DSS to attend a future Council meeting to discuss non-competitive ILC grant rounds.

Action 2: Question on Notice: *How many people with Intellectual Disability have plan nominees?*

Action 3: Agency to provide further information about SIL and SDA, where there is risk to a participant, what steps are taken to shorten timeframes around approvals.

Action 4: Secretariat to work with Principal Member on the members report process.

Action 5: Agency to provide further information at a future meeting on:

- a. participants being changed to different plan management types.
- b. the absence of plan step downs

Action 6: Question on Notice: *Do the funds in rollover plans meet CPI and Price Guide increases?*

Action 7: Agency to share themes of AAT cases including outcomes with Council.

2.2. Board Chair and CEO update

The NDIA Board Chair noted we have a big year ahead. The NDIS will celebrate its 10th anniversary in July, the NDIS Review report is due in October, the Joint Standing Committee's Review into culture and capability and the Disability Royal Commission.

The Board Chair was pleased with recent staffing changes at the senior executive level, including a person with disability. Although reiterated the need to be an employer of choice for people with disability at all levels of the Agency.

The Board Chair noted the Agency's supported decision-making policy, which was well received by Board, will soon be released publicly. Additionally saying it was good example of great co-design.

Ms Falkingham noted the recent announcement regarding the new functional structure and appointments at the executive level. She provided Members with an overview of the changes, noting the changes will bring in fresh ideas, and align the Agency's functions and priorities to better support the delivery of the Scheme for participants. Ms Falkingham highlighted the establishment of a Children's taskforce within the new structure, noting the importance of understanding how to make the Scheme work better for children.

Ms Falkingham advised Members there is a strong focus on employing more people with disability at the Agency. She also noted further work will be done to replicate the work model for hospital discharge within other mainstream interface work.

3. Scheme Actuary

3.1. Measurements of adherence to the Participant Service Guarantee recommendations

Mr David Gifford provided an overview of how the Agency reports on the Participant Service Improvement Plan (SIP), which are the principals that underpin the Participant Service Charter (PSC).

Members noting the following points:

- the need to simplify reporting and how performance is measured. All reports should be easy to understand and in plain English.

- inclusion of intersectional groups and disability classifications to understand trends is important.
- importance of capturing service provision against where a person lives, particularly for rural and remote participants. This will help identify service gaps.
- option to complete surveys in person, particularly for people with intellectual disability, who may need help from their support worker.
- queried who responds to the participant satisfaction surveys – people with disability or their families.
- the need for more engagement by the Agency with participants to help them understand what is done with the information they provide.

Members were keen to understand the participant satisfaction survey in greater detail and requested a meeting out of session.

Action 8: Mr Gifford to meet with Ms Reid to better understand how data is collected for remote participants.

Action 9: Mr Gifford to meet with Council out of session on the Fundamentals of the Participant Satisfaction Survey including:

- a. better understanding of the questions asked in the survey.
- b. better understanding of the method used to obtain the data (from an accessibility point of view).

4. Council Reporting

4.1. Update on NDIA's reporting on Council's recommendations.

Ms ^{s22(1)(a)(i) - F} advised Members that the team has done a lot of work on redesigning their reporting to ensure it hits the mark and does justice to the recommendations from Council's advice, more than it has in the past. Additionally, based on previous feedback received from Council, our subject matter experts are available to discuss the content, not just the process.

Ms ^{s22(1)(a)(ii) - irrelevant material} opened discussion on progress against Council's recommendations on promoting best practice in early childhood advice.

Members raised the following points:

- pleased with the new format of reporting; noting it is easier and clearer to read and is accessible.
- thankful to the team for highlighting that not all Council advice recommendations were covered by the ECEI reset project recommendations. Noting these recommendations were listed separately with progress update recorded.
- the Agency should consider the number of children that access the NDIS against those children who exit the NDIS as a success factor.

- stressed the importance that development does not mean excessive therapy, and families and children have a right to say no to some therapies. Members suggesting operational guidelines should reinforce this to parents of young children.
- encourage connections with peers/other families, not only connections with best practice early childhood providers/partners.
- the need for supports for children in natural environments and the inclusion of families and others who are close to them to build a child's capacity is important.
- investigate alternative options to give support, apart from using the market approach model.
- the need to review how the Scheme works with out of home care and child protection services. This is to ensure no child with disability is disadvantaged and left behind.
- the importance of evaluation, to ensure the early childhood approach is providing good outcomes for participants.

The Principal Member requested the second update on progress against Council's LAC advice recommendations be provided out of session due to time constraints.

Action 10: Agency to provide the update on progress against Council's LAC advice recommendations out of session.

5. NDIS Review

5.1. Discussion on NDIS Review

Mr Blackwood provided an overview of the NDIS Review objectives related to Council's work and possible options for engagement.

Robust discussion occurred and Members raised the following points:

- it would be helpful to understand the Review's timelines and critical milestones.
- clear and transparent progress reports/updates are needed from the NDIS Review. Members suggesting these updates should include communications about its interactions with the Disability Royal Commission.
- issues and recommendations from Council's previous advice are still current and would benefit the NDIS Review team. The Principal Member noted the NDIS Review have access to all advice on Council's website.
- Members reports The NDIS Review should consider trends from Council and Reference Group Members' community reports.
- Council, with its wealth of knowledge and lived experience, should be engaged on complex issues the Review team are considering. Members also suggested Reference Group Members should be engaged in a similar way.

- greater promotion of the NDIS Review is needed. Particularly amongst people with intellectual disability.
- the need for early understanding of what the NDIS Review is considering, to enable improvements for the Scheme.

Action 11: Principal Member and Board Chair to discuss with the NDIS Review team engagement with Council.

- Obtain information from the NDIS Review team on timelines and milestones.

Action 12: Secretariat / Consultant to develop a summary of themes from members reports for the last 12 months to inform priority areas.

- Council to determine priority areas and what would be most helpful for the NDIS Review team including Council's expertise and knowledge in certain areas.

Action 13: Secretariat to invite the NDIS Review team to attend each Reference Group meeting.

6. Meeting close

6.1. Other Business

The Principal Member thanked Members for their open, transparent, and honest feedback and discussion throughout the meeting.

The Principal Member opened discussion and Members raised the following points:

- Ms Cullen advised she will be attending the CALD Summit on 23 February, noting she will be happy to provide a report back to Council.
- Ms Mahmic said the NDIS Review team are conducting a workshop on Early Childhood in March, noting she received an invite to attend.
- Ms Paor mentioned she attended and presented at the Mental Health Conference earlier in the week, noting the common feeling around the room was that psychosocial disability was an afterthought for the Scheme.
- Dr Taleporos raised concerns on the work from NDIS Quality and Safeguards Commission around provider registration for personal support. The Principal Member advised she would follow up with the Commissioner about this work.

Action 14: Principal Member to follow up with the NDIS Quality and Safeguards Commission regarding the status of the work about provider registration for personal support.

6.2. Next Meeting

The next meeting will be on Thursday 13 April in Hobart.

The Principal Member invited Members to a voluntary 'in camera' session to those who could join following the meeting and closed the meeting at 5.00pm.



**OFFICIAL
AGENDA**

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 8 of 2022-23

Date: Wednesday 12 April 2023

Log-in details:

Council meeting with Tasmanian DRCOs and PiTC

Or call in (audio only)

s22(1)(a)(ii) - irrelevant material

SESSION 1: COMMUNITY ENGAGEMENT

1.30pm-3.00pm

ITEM 1.1 3P Brief Overview

NDIA representatives: Garth ^{s22(1)(a)(ii) - irrelevant}, General Manager Participant Experience and Design; Richard ^{s22(1)(a)(ii) - irrelevant} Branch Manager, Transition Communications & Engagement; and Fiona ^{s22(1)(a)(ii) - irrelevant material} Branch Manager, Partner Program

ITEM 1.2 DRCOs Reflections from PACE Test DRCOs

Presenters: Association of Children with Disability Tasmania, Autism Tasmania, SpeakOut Advocacy, Disability Voices Tasmania, and Flourish Tasmania.

Afternoon Tea 3.00pm-3:15pm

SESSION 2: PARTNER ENGAGEMENT

3.15pm-4.30pm

ITEM 2.1 PiTC Reflections from PACE Test

Presenters: Baptcare and Mission Australia Tasmania.

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AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 8 of 2022-23

Date: Thursday 13 April 2023

Log-in details:

[Independent Advisory Council meeting](#)

Or call in (audio only)

s22(1)(a)(ii) - irrelevant material

Morning tea/Coffee 9.30am – 9.55am

SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 10.00am-10.15am

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising, and declaration of interest.

SESSION 2: COUNCIL UPDATES 10.15am-11.15am

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.
- ITEM 2.2 Board Chair and CEO Update

SESSION 3: NDIS REVIEW 11.15am-12.15pm

- ITEM 3.1 NDIS Review discussion
- Presenter: Prof Bruce Bonyhady AM and Ms Lisa Paul AO PSM, NDIS Review*

Lunch 12.15pm-1.15pm

SESSION 4: COUNCIL'S WORK PLAN 1.15pm-2.00pm

- ITEM 4.1 Council's Priorities for 2023-24
- Presenter: Leah van Poppel*

SESSION 5: PACE 2.00pm-3.55pm

- ITEM 5.1 3P Test Evaluation: preliminary findings and next steps
- NDIA representatives: Garth ^{s22(1)(a)(ii) - irrelevant}, General Manager Participant Experience and Design; Richard ^{s22(1)(a)(ii) - irrelevant} Branch Manager, Transition*



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Communications & Engagement; and Fiona [redacted] Branch Manager, Partner Program

Afternoon Tea 2.55pm-3.10pm

ITEM 5.2 Demonstration – my NDIS Portal and updated my NDIS app
NDIA representative: Alex [redacted] General Manager Digital, Lisa [redacted] Director Participant Digital Experience and Andy [redacted] Director Digital Change & Adoption

SESSION 6: MEETING CLOSE 3.55pm-4.00pm

ITEM 6.1 Other business
ITEM 6.2 Next meeting



Minutes of the Independent Advisory Council to the NDIS

Meeting 8 – 13 April 2023

10am – 4pm – held at the Crowne Plaza Hotel Hobart and hosted on Ms Teams.

Members

Ms Leah Van Poppel
Dr Sharon Boyce (online)
Adjunct Associate Professor Jennifer Cullen
Dr Leighton Jay (online)
Ms Sylvana Mahmic (online)
Ms Tricia Malowney OAM
Mr James Manders
Ms Sam Paior
Ms Liz Reid AM
Dr George Taleporos (online)

Council Expert Advisor

Dr Ben Gauntlett, Disability Discrimination Commissioner (online)

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chair (online)
Ms Meredith Allan, NDIA Board Director (online)
Ms Rebecca Falkingham, Chief Executive Officer
Ms Corri McKenzie, Deputy CEO, Service Design and Improvement
Mr Garth General Manager Participant Experience and Design (Session 5)
Dr Sam General Manager, Policy, Advice and Research
Mr Alex General Manager, Digital (online – Session 5)
Ms Fiona Branch Manager, Partner Program (online – Session 5)
Mr Richard Branch Manager, Transition Communications & Engagement (online -Session 5)
Ms Lisa Director, Participant Digital Experience (online – Session 5)
Mr Andy Director, Digital Change & Adoption (online – Session 5)
Ms Kathy Director, Strategic Advice
Ms Marina Assistant Director, Independent Advisory Council Secretariat
Ms Lirije Assistant Director Communications, Independent Advisory Council Secretariat
Ms Jaklin Senior Project Officer, Independent Advisory Council Secretariat

Attending

Mr Gavin Burner, Member of Council's Intellectual Disability Reference Group
Prof Bruce Bonyhady AM, NDIS Review Co-Chair
Ms Lisa Paul AO PSM, NDIS Review Co-Chair
Mr David Head of the NDIS Review Secretariat
Prof Kirsten Deane OAM, NDIS Review Panel Member
Ms Belinda AM, Council's Independent Consultant (online)
Mr Allan Blackwood, Council's Independent Consultant (online)

s47F- personal privacy

Observers

Ms s47F- personal privacy, Participant Advocate (Session 2)

Apologies

Ms Kerry Allan, Council Member (taken leave of absence)
Mr Mark Tonga, Council Member

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 10.01am.

Adjunct Associate Professor Cullen provided an acknowledgement of the Traditional Custodians and Owners of the lands on which Members and attendees were meeting.

The Principal Member also acknowledged people with Disability, whose voice Council looks to represent. Additionally, the Principal Member recognised several key events and dates that have occurred over the past month, including:

- The National Close the Gap Day on 17 March
- Ramadan, from 22 March to 20 April.
- Harmony week from 20-26 March.
- Easter Holidays.
- Auslan Day on 13 April.

The Principal Member welcomed Board Chairperson Kurt Fearnley and Director Meredith Allan to the meeting, and noted this is the first hybrid meeting of Council since the start of the pandemic.

The Principal Member noted the following information is available in the Diligent Resource Centre:

- Justice Transition Project
- Data Information Pack from the Scheme Actuary

The Principal Member provided an update on Council's advice including:

- Improving equity in the NDIS: the Agency response was approved by Board in March, and the brief is being prepared to go to the Minister and then the Disability Reform Ministerial Council (DRMC). After this, it will be published on Council's website.
- Improving the NDIS for Children & Young People: currently on the agenda for Council's 18 May meeting.
- Enhancing NDIA Practice in Behaviour Support: currently on the agenda for the IDRG's 1 June meeting, and Council's 6 July meeting.

1.2. Confirmation of minutes, matters arising, and declaration of interest

Council approved the minutes from the meeting held on 22 February 2023 and noted the matters arising.

Council noted the updated register of conflicts of interest circulated in advance of the meeting.

s47F- personal privacy

2. Council Updates

2.1. Members and Expert Advisers: Reports ‘from the ground’

The Principal Member noted Ms s22(1)(a)(i) - irrelevant Participant Advocate, is in attendance as observer for this session.

The Principal Member also provided an overview of the new process for seeking responses to Members’ questions during session 2.1, noting this is a trial-and-error approach and welcomed Members’ feedback.

Council Members raised the following points they had heard related to the NDIS:

- Reports from participants with complex needs (including communication and behaviour support needs) being denied access to NDIS supports while in hospital on the grounds that hospital staff should provide these supports. Participants should be allowed to use the supports already included in their plans while in hospital, but instead they’re left without critical supports and basic needs unmet. Additionally, hospital staff lack the skills and knowledge to deal with participants who require complex care. Members called for the NDIA to better support participants while they are in hospital, and to work closely with State and Territory governments, and to advocate for baseline training for all hospital staff.

Concern about reports that some families are being told to put their adult son/daughter under guardianship or appoint a public guardian, when it is not deemed necessary.

Ongoing concerns with the process and cost for providers to become registered, particularly for small providers or when providing own care.

Concern about the rise of COVID-19 and flu cases during winter, and the need to step up measures to protect vulnerable participants.

Reports from participants that the Consumer Price Index (CPI) and Price Guide increases are not being applied to plan rollovers; and participants getting a rollover plan without being contacted first or offered a review.

Ongoing issues for families of young children who are transitioning from early childhood partners to Local Area Coordinators (LACs), who are not being provided with enough information and support during this transition process.

Reports of plans becoming more itemised, and participants being told that if they spend their budget flexibly (but within guidelines), they will need to pay it back.

Positive feedback on NDIA’s work on hospital discharge, noting participants are being discharged in line with guidelines.

Reports of ongoing issues with workforce shortages, particularly in the Northern Territory, including issues related to the poor availability of LACs and their lack of knowledge and skills.

Concern that the NDIS Specialist Disability Accommodation (SDA) Pricing Review consultation timeframe is too short.



Ongoing reports of participants in Supported Independent Living (SIL) in remote and very remote areas having to leave their communities to move to urban settings to receive the supports they need. Concern that the NDIA does not have the data to understand the volume of people moving into urban areas and whether they get access to supports or not.

Concern that two people associated with the Robodebt Scheme are employees of the NDIA. This is causing anxiety to participants who are following the Royal Commission into the Robodebt Scheme.

Members noted the valuable work the MJD (Machado-Joseph Disease) Foundation undertakes with Indigenous communities in Australia. A/Prof Cullen left the room for this update due to conflicts of interest.

Concern about participants receiving misinformation from Plan Managers in relation to paying for some support items. For example, being told they cannot claim anything from JB Hi Fi, Bunnings or Woolworths. This is incorrect and forces participants to do work-arounds to pay for things that are allowed under the NDIS guidelines.

The need to prioritise work on the interface between the NDIS and the education system, with many kids with disability receiving suspensions coming from out of home care or from Indigenous backgrounds.

Ongoing concern about the 'invisibility' of Justice Liaison Officers (JLOs), and how hard they are to access for people in the justice system.

Calls for plans to be available in Easy Read so everyone can understand them.

Ongoing reports that the NDIS call centre is unresponsive, does not help to resolve issues and forces participants to retell their story causing further trauma.

The need for the NDIA to create opportunities for, and promote employment of, people with intellectual disability.

NDIA Chief Executive Officer (CEO), Ms Falkingham noted the feedback and themes raised by Members and provided some comments back to the meeting, including:

The measures the NDIA is taking to protect participants during the COVID-19/flu season. She also noted that work is underway with States and Territories to collect data on people with disability impacted by long Covid.

The need to work closer with hospitals and their administrators to ensure participants are well supported. The NDIA is building this relationship and Health Liaison Officers are more available than ever. Ms Falkingham noted the impact the pandemic has had in hospitals, including workforce shortages which may be a contributing factor to the lack of skills and support from hospital staff.

Shared the concerns about the CPI not being added to plan rollovers as it is an automated process. Offered to undertake an audit to assess how common this is.

Acknowledged the concern in relation to the transition of 7-year-old children to the full Scheme. Noted this is one reason behind the creation of the Children's Taskforce, led by Ms Liz sz2(1)(a)(i) - imleva

The two NDIA employees associated with the Robodebt Scheme have been suspended since Ms Falkingham joined the Agency. She reassured Members that there are Commonwealth processes



that need to be followed for this, and in relation to the recommendations from the Robodebt Royal Commission.

Shared concerns about plans being rolled over without participant contact.

The SDA Pricing Review timeframe was set with the expectation that this will only be a short-term process, until the NDIS Review release their recommendations.

Committed to working with Council in the government response to the NDIS Review and Royal Commission's recommendations.

Current transformation of the National Contact Centre, with a more robust triage process providing specialised support to existing call-centre staff.

The NDIA Board will be provided with a deep dive into SDA and SIL to better understand the data and the challenges and inform the Home and Living Framework.

Branch Manager, Practice Improvement, currently assessing NDIA's planner workforce and Technical Advice Branch roles. Acknowledged the need for specialisation and clarity of planners' roles and how planning affects the participant journey. Also noted the work underway on the Workforce Strategy, and [s47F- personal privacy](#) team's input into this work as the NDIA Disability Champion.

Action 1: MJD Foundation representatives to attend a future Council meeting to provide an overview of their work.

Action 2: Provide Council with an audit of plan rollovers and whether CPI was applied to understand if it is a systemic issue.

Action 3: Ms Falkingham to attend a future meeting of the Intellectual Disability Reference Group.

Action 4: Provide Council with an audit of how common it is for plans to rollover without contacting participants.

Action 5: Council to meet out of session to discuss how the NDIA can best engage with the Australian Human Rights Commission.

Action 6: Include a briefing on the call centre transformation at a future Council meeting.

Action 7: Include a deep dive into SIL and SDA at a future Council meeting.

Action 8: Include a briefing on the Workforce Strategy at a future Council meeting.

2.2. Board Chair and CEO update

The NDIA Board Chair was pleased to see the engagement of the community in the NDIS Review and noted co-design during implementation will be a priority for the NDIA. He noted the recent Ministerial appointment of two new NDIA Board Directors, including the first Indigenous representative in the Board, taking the representation of people with disability to 50%.

The NDIA Board Chair said the Board is focusing on:

SIL – noting there has been a significant increase in participants receiving SIL, which is not reflected in participants' outcomes.

Plan inflation – plans are showing 19% inflation which is beyond what is acceptable and sustainable. The Chair requested Council's advice on the matter.

Investing in NDIA staff to ensure participants have a better NDIS experience.

The NDIA CEO also provided a brief update including:

The DRMC priorities from their February meeting.

NDIA's National Call Centre transformation work.

Update on the NDIA's organisational structure, including the current recruitment underway of several Band 1 and Band 2 Executive positions. Ms Falkingham noted that the NDIA is focused on attracting people with disability and from diverse communities and encouraged Council members to share these opportunities within their networks.

Work underway on:

the NDIS Review implementation and governance processes, including a commitment to co-designing the implementation with the disability community.

The improvement of NDIA's internal complaint management processes, including the release of a public facing complaints policy.

The release of the Participant Safeguarding Policy, thanking Council and Reference Group Members who contributed to this work.

Action 9: Include a briefing on the NDIS Review implementation work and governance processes at a future Council meeting.

Action 10: Council to meet out of session to discuss plan inflation.

3. NDIS Review

3.1. NDIS Review Discussion

Prof Bruce Bonyhady AM and Ms Lisa Paul AO PSM, NDIS Review Co-Chairs, discussed the three core issues driving participant experience in the NDIS:

Who the Scheme is for.

What are reasonable and necessary supports.

What supports do people with disability get if they are not eligible for the NDIS.

They noted that, throughout their engagement with the community, they have not heard of any new issues for participants dealing with the NDIS – which means the problems remain the same as they were when the previous Review was conducted. The Co-Chairs noted they are interested in hearing practical solutions to the problems raised.

The NDIS Review Co-Chairs also noted: