

## **The Rights Information and Advocacy Centre**

### **Submission to the Joint Standing Committee on the National Disability**

#### **Insurance Scheme (NDIS): NDIS Workforce**

The Rights Information and Advocacy Centre Inc. (**RIAC**) welcomes the opportunity to contribute to the Joint Standing Committee on the National Disability Insurance Scheme – NDIS Workforce.

#### **About RIAC**

RIAC is a not for profit organisation empowering communities across 22 local government areas operating throughout central and north western Victoria, Geelong and southern NSW providing information and advocacy support to individuals, families, carers and communities.

RIAC is funded by the Commonwealth and Victorian Governments to provide issue based individual and systemic advocacy assistance to people living with a disability.

RIAC is also funded for the National Disability Insurance Scheme Appeals Program, which plays an important role in ensuring that National Disability Insurance Scheme (NDIS) decisions are fair and robust.

RIAC has been involved in the NDIS since implementation in the Barwon region in 2013. RIAC has been informed by our advocacy work and engagement with people with disabilities their families and community sector organisations of the various challenges within the NDIS Workforce.

#### **Introduction**

RIAC continues to experience a significant demand for advocacy services relating to the NDIS and its associated workforce.

RIAC acknowledges there have been numerous consultations and submissions relating to the NDIS and we note the information and recommendations provided within the Review of the National Disability Insurance Scheme Act 2013, David Tune AO PSM, December 2019 (Tune Report 2019).

In this submission, we will limit our discussion to briefly demonstrate where Advocacy assistance continues to be in high demand in the following areas:

- A. Local Area Coordinators**
- B. Service Provider complexities**
- C. National Disability Insurance Agency Workforce**

We will conclude with information specific to the funding of RIAC and comment on the recent 20% reduction of NDIS Appeals advocacy funding to the broad disability advocacy sector.

- D. Effects on Advocacy**

## **A. Local Area Coordinators**

RIAC regularly responds to advocacy issues relating to Local Area Coordinators (LACs), such as the following:

- Evident communication inaccuracies between LAC's and the NDIA resulting in inappropriate plans for participants.
- LACs have reported difficulty liaising with the NDIA both when there are minor issues with plans and when there are crises for participants.
- LACs are allegedly under-staffed and do not have the capacity to regularly check in with participants who do not receive support coordination funding and can often miss when participants are in crises.
- LACs have reported to advocates that their workload is unmanageable, and they are doing the 'best they can'.
- LACs not responding to participants' request for assistance and follow up until an Advocate is involved.
- LACs have drafted plans at a planning meeting and failed to include all needs, reasoning and evidence for requested assistance, therefore the plan is inadequate once implemented.

### *Recommendations:*

- Implement joint planning meetings.
- Improve communication channels between the NDIA and LACs.
- Appropriately staff LACs to ensure they have capacity to support participants throughout their plan and not only at planning meetings.
- Additional advocacy funding to support participants uphold their rights regarding issues with LACs and resulting issues with NDIA plans leading to complaints, reviews, appeals etc.
- LAC to provide participant a draft copy of the plan prior to submission to the NDIA planner to finalise the plan. A final draft from a NDIA planner should be provided to the participant to peruse prior to implementation.

## **B. Service provider complexities**

- As the size of the NDIS workforce increases, RIAC is receiving an increase in requests for support to resolve issues with service providers. Advocates receive requests by participants to support them during the complaints process to the NDIS Quality and Safeguards Commission, this takes significant time and resources.
- RIAC receives requests from participants and service providers when Support Coordination funding has been fully utilised before the end of a participant's plan, many participants remain vulnerable in these situations. It is not viable for RIAC to continue taking on such cases at short notice and it is not viable to expect Support Coordinators to work unpaid hours.

- RIAC responds to advocacy requests regarding service providers in rural Victoria providing sub-standard care to participants who have no other alternatives.
- The nature of Support Coordination, Plan Management and the NDIA payment systems are highly complex and when there are issues within this area Advocates can often be requested to provide support to assist to resolve. Alternatively Support Coordinators use hours funded support to resolve issues.

*For example: RIAC responded to a request for advocacy support from a participant regarding outstanding invoices from multiple service providers. Service providers are threatening to withdraw services and engage debt collectors. This issue occurred due to an error in the Support Coordinator's calculations of the funding and services required. The Support Coordinator, Plan Manager, NDIA and Service Provider have all refused responsibility. RIAC has engaged legal support for the participant after countless hours of work negotiating with all these parties. The participant is emotionally traumatised and financially incapable of paying the \$10,000 demanded from providers to correct this error. This system is far too complex and open to simple errors that have significant effects on participants.*

*Recommendations:*

- Ensure participants are protected with a buffer of funding within plans in the event of crises or payment errors.
- Increased advocacy funding to support participants to make NDIS Quality and Safeguard Commission complaints.
- The NDIA to explore qualified case managers for NDIS participants.

### **C. National Disability Insurance Agency Workforce**

RIAC regularly responds to advocacy issues regarding the NDIA Workforce, including the following:

- Evidence the NDIA have not read all the expert evidence relating to a participant when preparing an NDIS plan, resulting in advocacy support for review requests.
- Minor and major errors in plans that require advocacy support to resolve and/or support for review requests.
- Participants unclear about who to contact when they have an issue with their plan and the 1800 number is described as a negative and sometimes traumatic experience.
- Inconsistent and unclear communication to participants regarding access revocations, internal reviews and plan reviews which have significant impacts to participants' legal rights.

*For example:*

*Participants are told that their access has been revoked effective immediately.*

*Participants told they must withdraw an internal review and undergo a plan review instead without being explained the impact of this decision.*

### *Recommendations*

- Publish accessible versions of the NDIS Act and NDIS Rules as per recommendation 6 of the Tune Report 2019 to help people understand their rights.
- Adopt recommendation 20 – 23 of the Tune Report 2019 to decrease the complexity regarding NDIS Reviews (internal, external, scheduled and unscheduled).
- Easy read language and images regarding the internal and external review process on decision letters.
- Adopt recommendation 25 of the Tune Report 2019 to legislate a Participant Service Guarantee.
- No participant should have their access revoked from the scheme without notice, an opportunity to provide additional information and a transition to another service to support and/or an advocacy service to support with an appeal.
- Additional advocacy funding to support participants uphold their rights and especially regarding internal and external reviews of NDIA decision.
- Details of how to locate an advocacy service provided on all decision letters.

### **D. Effects on Advocacy**

The Department of Social Services has notified all NDIS Appeals funded advocacy and legal organisations funding will be reduced by 20% as of 30 June 2020. In this section of our submission, we highlight information and statistics specific to the complexity of operating a regional advocacy service and responding to NDIS issues and we highlight the impacts of a reduction of funding which ultimately impacts NDIS participants.

#### **i. Important information specific to our regional advocacy service:**

- State-wide funded services rarely support people in regional and remote Victoria as they are based in Metropolitan Melbourne. Therefore, RIAC cover these areas for most cases.
- Internet and phone coverage in these areas is often limited or poor so travelling to these areas is the only option. This can use a full day for a staff member to be out of the office in transit.
- Administrative Appeals Tribunal has no intention (at this time) of having regional locations for hearings therefore travel to Melbourne to assist clients is necessary, this often requires staff accommodation costs.
- Long distance travel is required and at most times essential to support our clients.

#### **ii. RIAC statistics:**

- RIAC NDAP and NDIS Appeals programs cover 174000 square kilometres. Which is over 2/3 of the state of Victoria and into New South Wales (see figure 1 below)
- There has been a 25% increase to wages since our 2015-2016 financial year funding
- There has been a CPI increase of 10% since 2015-2016
- Overhead costs have increased dramatically

- The introduction of the NDIS has increased the need for advocacy services by around 75%
- RIAC has an EFT for NDAP and NDIS Appeals of 6 to cover 174000 square kilometres
- New costs have impacted RIAC such as Victorian Portable Long Service Leave (1.6% of each employees ordinary pay)
- RIAC and almost all Victorian advocacy agencies have had to implement waiting lists and have closed our books during the 2019-2020
- NDIS Appeals Officers are supporting more clients through the appeals process without legal support due to changes in the process for applying for Legal Aid funding
- Increased level of complexities for our clients in all areas, requiring 30%-50% more time from Advocates and Appeals Officers in relation to advocacy and NDIS matters

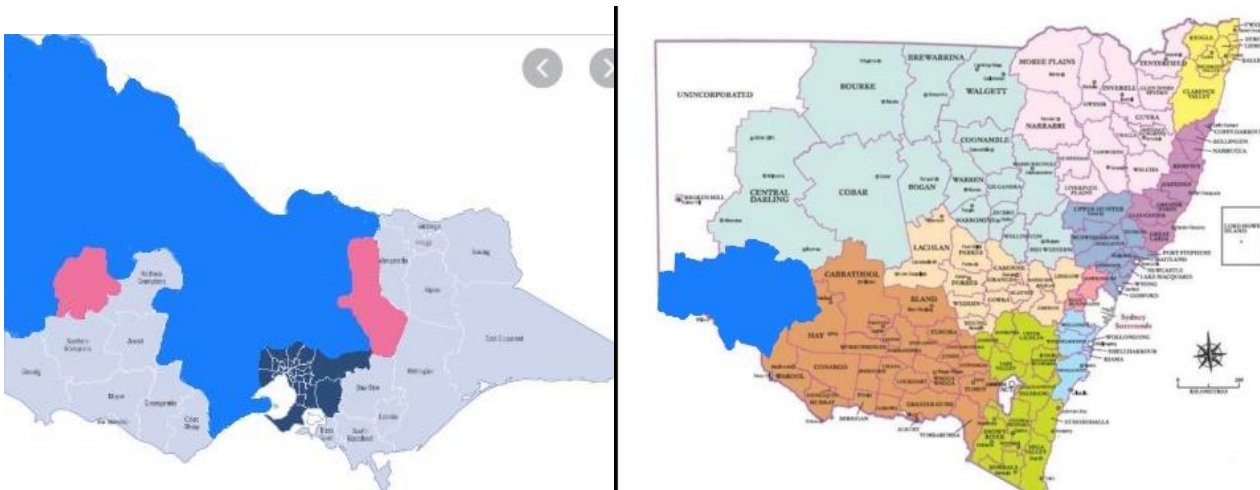


Figure 1: RIAC Areas in Victoria and NSW coloured blue.

NB-Red area is not covered by RIAC at present. However, can cover these areas if funded appropriately.

**iii. Impact on services with a 20% decrease in NDIS Appeals funding**

- RIAC will have to take measures to reduce staff, this will require redundancy packages which will incur a significant cost.
- If funding is later reinstated or increased, RIAC will need to recruit which incurs additional costs and resources.
- RIAC at present has a staff team that are well trained and have high levels of skills and knowledge in the advocacy and appeals area and would be very difficult to replace.
- Staff will require 4 weeks' notice period if redundancy is required.
- RIAC staff well-being is at risk with demand outweighing the support we can provide.
- Most importantly, with the full roll out of the NDIS and the associated issues, the need for NDIS Appeals Officers has increased not decreased and more funding to provide service appropriately to need is required.

## Conclusion

In conclusion the support to our communities and vulnerable population is of high importance now and always, the full roll out of the NDIS has significantly increased the need for advocacy. To have funding cut and not increased to be comparable to the cost of living and wage increases is highly detrimental to this cohort and the safety and well-being of our staff.

RIAC would welcome the opportunity to appear before the Joint Standing Committee on the National Disability Insurance Scheme to discuss the matters raised in this submission.

Yours sincerely,



Karryn Goode

CEO

***Rights Information and Advocacy Centre***