

National Disability Insurance Scheme Independent Advisory Council

Meeting 1 of 2016 (10–11 March 2016)

NDIS Melbourne Office, Level 3 Casselden place, 2 Lonsdale Street, Melbourne

MINUTES

ATTENDEES

Members present:

Rhonda Galbally AO (Principal Member)
Ken Baker AM
Dean Barton-Smith AM
Jennifer Cullen
Sylvana Mahmic
Joan McKenna-Kerr
Janet Meagher AM
Gerry Naughtin
Dale Reardon
Michael Taggart

Apologies:

Kurt Fearnley

Board members present:

Fiona Payne (10 March)

National Disability Insurance Agency staff in attendance:

Louise Glanville, Deputy CEO Stakeholder Relations (10 March)
Ian Maynard, Deputy CEO Operations (10 March)
Liz Cairns, General Manager Service Delivery
Stephanie Gunn, General Manager, Community Linkages (11 March)
Paul O'Connor, Chief Risk Officer
Sarah Johnson, Scheme Actuary (11 March)
Lou O'Neill, Branch Manager, Governance and Parliamentary
Katherine Rhodes, Director, Governance
Tim Hillman, Council Secretariat

External participants:

Ms Belinda Epstein-Frisch, Consultant to the Independent Advisory Council

AGENDA ITEMS: DAY ONE – THURSDAY 10 March

The meeting commenced at 9:30 am on Thursday 10 March.

ITEM 1.1 Principal Member's Welcome

The Principal Member welcomed members to the first meeting of the Independent Advisory Council (the Council) meeting for 2016.

The Council acknowledged the traditional owners of the land and paid respect to elders, past and present.

The Council also acknowledged that the purpose of the National Disability Insurance Scheme (NDIS) is to achieve social and economic participation of people with disability and certainty for people with disability, within the context of the United Nations (UN) Convention on the Rights of Persons with Disabilities, particularly in relation to self-determination, independence and mainstream community inclusion. The Council also discussed the UN Convention in relation to *an ordinary life*.

The Principal Member welcomed the Board Director Payne, the DCEO Stakeholder Relations, the DCEO Operations and the Chief Risk Officer to the meeting.

ITEM 1.2 Declarations of interests

The Principal Member noted that the secretariat had circulated an updated version of the Standing Register of Interests.

The Council noted an update to the declarations of interest from the Principal Member and Council Member Mahmic.

ITEM 1.3 Minutes of previous meeting

The minutes of the 10–11 December 2015 Council meeting were agreed to.

- Action 1** Secretariat to provide to the Council the list of participants that have been involved in the co-design of the website as raised in the minutes of the meeting of 10-11 December 2015.

ITEM 1.5 Members' reports 'from the ground'

The Council noted members' reports 'from the ground'.

The Council raised that the Agency understanding of the differences between the high costs of lifetime care and the beneficial costs for independence could have a large impact on the long-term sustainability of the Scheme.

The Council discussed issues relating to the ongoing consistency of planners and noted that online feedback of planning also raised this as an issue.

- Action 2** Council Member Reardon to provide Agency with details of online feedback regarding planner consistency.

The Council noted that the supports available for participants who outlive their parents was unclear.

- Action 3** The Agency to advise on supports available to maintain supports for participants who outlive their carers.

The Council discussed the feedback that had been received on the Early Childhood Early Intervention (ECEI) approach and that the trial in the Nepean Blue Mountains had been reported positively by providers.

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The Council discussed the work of the Culturally and Linguistically Diverse (CALD) expert reference group to develop the CALD strategy. The Council noted that the strategy was high-level and could benefit from additional operational detail.

Action 4 Council Members Barton-Smith and Mahmic to provide an oral analysis on the CALD strategy.

The Council noted the importance of including a life stage developmental basis to planning, and that training should also incorporate this approach.

Action 5 Secretariat to invite General Manager, People and Culture to brief the Council on staff and training developments in relation to IAC advice.

The Council raised that an advertisement in a Townsville newspaper describing the roll out of the NDIS caused concern in the community, relating to timing and the availability of supports.

Action 6 The Agency to report back on a recent advertising round in Townsville in relation to the NDIS roll out.

The Council noted that participants in Tasmania are receiving consistent planning in metro areas but that a more creative approach to delivering plans in rural and remote areas was needed.

ITEM 2.1 NDIA report

The Council noted the NDIA report provided by the DCEO Stakeholder Relations.

The Council noted:

- the work required to recruit more people with disability at the executive and senior executive level
- the need to have appropriate representation of people with disability at senior external meetings, including meetings with the Minister, and
- the work the Agency is currently undertaking with the Scheme Actuary to ensure that CALD and Aboriginal and Torres Strait Islander peoples are adequately represented in the Scheme.

The Council raised that it was provided an update on the website and ICT developments at the last meeting but had not received any subsequent updates. The Council discussed the importance of the NDIA website Avatar.

Action 7 The Council to nominate two members to engage in the development of the NDIA website Avatar.

ITEM 2.2 Agency response to enhancing personal safeguards

The Council noted that the Agency response had not been circulated and would be discussed after its approval by the Board.

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Action 8 Secretariat to circulate the Agency response to the Council's advice on Enhancing Personal Safeguards.

ITEM 3.1 Operational update

The Council noted the Operational update provided by the DCEO Operations.

The Council discussed the guided planning process to develop a participant's first plan. The Council noted that this process forms part of the Service Delivery Operating Model (SDOM) and was developed to provide supports that participants require and to urgently address unmet need while preparing a participant for a discussion around goals and aspirations.

The Council noted the Participant Pathway Booklet. The Council noted that the booklet should reflect different life stages and provide a positive message around continuity, certainty and development.

Action 9 The Council to provide any feedback on the Participant Pathway Booklet to the Secretariat out of session.

Action 10 DCEO Operations to work with the Council on vulnerable groups in developing tools for the Participant Pathway Booklet.

ITEM 3.2 Introduction from the Chief Risk Officer

The Council noted the introduction from the Chief Risk Officer.

The Council discussed the AAT process and administrative law in relation to the NDIS, particularly in relation to transport in metro areas.

Action 11 Agency to provide examples of how the concept of an ordinary life is being reflected in decision making in relation to reasonable and necessary supports.

ITEM 4.1 Work plan: Intellectual disability update

The Council noted the status report on the IDRG work plan.

The Council noted the IDRG paper *Support for decision making* and discussed key issues raised in the paper. Additions to the paper are to be provided by Michael Taggart and Joan McKenna-Kerr.

The Council noted the IDRG paper *Equitable access to the NDIS by people on the margins*. The Council noted that the next segments of the paper will focus on homelessness, followed by justice and low socioeconomic status (SES).

Action 12 *Support for decision making* to be amended to incorporate comments by members prior to recirculation.

Action 13 *Equitable access to the NDIS by people on the margins* to be considered by members and discussed at the next meeting of the Council.

Action 14 Council Member Cullen to attend a meeting of the intellectual disability reference group (IDRG) to provide advice on regional and remote access to the scheme.

ITEM 4.2 Work plan: Disability Support Organisation

The Council noted the updated on Disability Support Organisations.

Other Business

AGENDA ITEMS: DAY TWO – FRIDAY 11 March

ITEM 5.1 LAC and ILC update

The Council noted the Local Area Coordination (LAC) and Information, Linkages and Capacity building update provided by the General Manager Community Linkages.

The Council noted the update on the continuing development of the ILC Commissioning Framework.

The Council noted the update on the progressive implementation of arrangements for LAC.

Action 15 The Agency to notify the Council as soon as a public announcement regarding Victorian LACs is made. Future public announcements of this sort should also be raised with the Council.

The Council was provided with an update on community inclusion and the how the Agency drives change at a community level.

Action 16 The Agency to circulate the community readiness framework to the Council out of session.

ITEM 5.2 Technology update

The technology update was postponed to a future meeting.

Action 17 Secretariat to reschedule the technology update for a future meeting.

ITEM 6.1 Scheme Actuary update

The Council noted the update from the Scheme Actuary and the December 2015 quarterly report.

The Council discussed participants' utilisation of funds in plans in relation to reasonable and necessary, the adequate implementation of plans and in-kind funding.

The Council noted that the Outcomes Framework questions had been tested in a pilot with an expectation for the first wave of a long form survey to commence in the next few months. The Council raised the importance of measuring participant satisfaction and the accuracy of the outcomes framework questions, as well as capturing information across diagnosis.

Action 18 The Agency to report back on the participant experience of the long form survey for the Outcome Framework.

Action 19 The Agency to provide data on children over 8 years old who have both autism and an intellectual disability

The Council noted that there could be more information on access to the Scheme for immigrants, low SES, CALD and Aboriginal and Torres Strait Islander (ATSI) peoples.

Action 20 The Agency to provide data on low SES and vulnerable groups to the Council before the next meeting.

ITEM 6.2 Capacity building – further recommendations

The Council noted the paper in preparation for advice to the Board on building capacity and reducing vulnerability in the most vulnerable.

The Council discussed recommendations relating to the registration of user led capacity building organisations that require a demonstration of relevant knowledge, skills and experience to foster capacity building.

Action 21 The Council agreed for the paper on capacity building for the most vulnerable to be developed out of session and presented at the next meeting of the Council.

ITEM 7.1 Work plan item: aligning mental health and disability sector

The Council noted the update on the work plan item on aligning the mental health and disability sector from Janet Meagher.

The Council discussed peer work and peer leadership, noting that peer work could be professionalised so that people with lived experience can provide a professional role to guide and implement planning while working with individuals on outcomes.

Action 22 Secretariat to provide Council Member Meagher with the peer support and mentor line from the catalogue of funded supports.

Action 23 Secretariat to schedule the work plan item on aligning the mental health and disability sector around peer support for the next meeting of the Council.

Item 7.2 Other business, feedback and confirmation of next meeting

The Council discussed the autism workshop that Council Members Mahmic and McKenna-Kerr attended.

Action 24 Media, Communications and Engagement to provide the Council with reference materials and speaking notes for members to communicate the concept of a wide gateway to key stakeholders.

The Council noted that Council Member Fearnley had notified the secretariat of his intention to resign from the Council.

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The Council consented to the release of the updated conflict of interest register to the Senate Community Affairs Legislation Committee.

The next meeting of the Council will be held on 19-20 May 2016.

The meeting concluded at 2:00 pm on 11 March 2016.

UNDER THE LINE ITEMS

UTL Item 1

- The Council noted the current Administrative Appeals Tribunal (AAT) reviews paper.

Action 25 The Agency will provide an updated version out of session with client detail removed.

National Disability Insurance Scheme Independent Advisory Council

Meeting 2 of 2016 (19–20 May 2016)

Brussels Room, 27-29 Little Lonsdale St., Melbourne

MINUTES

ATTENDEES

Members present:

Rhonda Galbally AO (Principal Member)
Ken Baker AM
Dean Barton-Smith AM (19 May)
Jennifer Cullen (until 10:30 am 20 May)
Sylvana Mahmic
Joan McKenna-Kerr (until 12:15 pm 20 May)
Janet Meagher AM
Gerry Naughtin (for item 8)
Dale Reardon
Michael Taggart (until 3:30 pm 20 May)

National Disability Insurance Agency staff in attendance:

Louise Glanville, Deputy CEO Stakeholder Relations
Ian Maynard, Deputy CEO Operations (20 May)
Liz Cairns, General Manager Service Delivery (19 May)
Paul O'Connor, Chief Risk Officer (20 May)
Sarah Johnson, Scheme Actuary (20 May)
Anne Skordis, General Manager Scheme Transition (20 May)
Maryanne Diamond AO, General Manager Media, Communications and Engagement (20 May)
Kirsten Deane, Director, Community Linkages (20 May)
Katherine Rhodes, Director, Governance
Tim Hillman, Council Secretariat

External participants:

Ms Belinda Epstein-Frisch, consultant to the Independent Advisory Council

AGENDA ITEMS: DAY ONE – THURSDAY 19 May

The meeting commenced at 9:30 am on Thursday 19 May.

ITEM 1 Principal Member's welcome

The Principal Member welcomed members to the second meeting of the Independent Advisory Council (the Council) meeting for 2016.

The Council acknowledged the traditional owners of the land and paid respect to elders, past and present.

The Council also acknowledged that the purpose of the National Disability Insurance Scheme (NDIS) is to achieve social and economic participation of people with disability and certainty for people with disability, within the context of the United Nations (UN) Convention on the Rights of Persons with Disabilities, particularly in relation to self-determination,

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independence and mainstream community inclusion. The Council also discussed the UN Convention in relation to *an ordinary life*.

ITEM 2 Declarations of interests

The Principal Member noted that the secretariat had circulated an updated version of the standing register of interests.

ITEM 3 Minutes of previous meeting

The minutes of the 10–11 March 2016 Council meeting were agreed to. Action item updates were provided by DCEO Stakeholder Relations.

ITEM 4 Report from Principal Member

The Council noted the report from the Principal Member which included a brief on:

- a meeting with John Forster of Noah's Ark, which works to have children with disability fully included in playgroups; and
- the housing innovation showcase held in Sydney on 6 April 2016.

Action 1 Secretariat to invite John Forster to attend the next meeting of the Council alongside Peter De Natris to discuss community inclusion initiatives relating to early-childhood.

ITEM 5 NDIA report

The Council noted the NDIA report provided by the DCEO Stakeholder relations.

The Council noted the overview of in-kind funding and that the NDIA is finalising the supported disability accommodation (SDA) pricing framework. It also noted that the housing innovation showcase held in Sydney was a success and that a further housing showcase would be held in Melbourne on 31 May 2016. The Council discussed the implications of SDA framework including WA in particular.

The Council noted that the Parliamentary Joint Standing Committee on the NDIS had tabled a report on accommodation for people with disabilities and the NDIS.

Action 2 Secretariat to circulate the Joint Standing Committee's report on accommodation for people with disabilities.

Action 3 Secretariat to provide the final SDA pricing framework to the Council.

Action 4 Agency to provide individual state and territory briefings on in-kind funding to be discussed at the next meeting of the Council.

The Council discussed the bilateral roll-out schedule, noting the bilateral agreements outline how participants will enter the Scheme, including prioritisation by urgency and requirements for supports.

Action 5 Agency to provide the bilateral roll-out schedule for state and territories for the next meeting of the Council.

The Council provided feedback on the Queensland market position statement.

Action 6 Council Member Jennifer Cullen to provide the Agency with data issues and alternative sources on North Queensland participant numbers in addition to a summary of feedback received on the Queensland market position statement.

ITEM 6 Members' reports 'from the ground'

The Council noted members' reports 'from the ground'.

Council Member Dale Reardon raised issues that had been discussed on social media relating to the NDIA's telephone outreach and that people were being called without any contact beforehand with the assumption that people are available to discuss eligibility for the Scheme immediately. The Council noted that letters advising people that they will be contacted by the Agency are being sent out by the state and territories.

Council Member Meagher stated that people with cognitive impairment have been having difficulties liaising with the Agency over the phone. It was raised that it would be beneficial for some criteria to be developed to make the Agency aware that a phone call may not be the best mode of contact for some people

Council Member Barton-Smith noted the appointment of Alastair McEwin as the new Disability Discrimination Commissioner. The Council noted that it could be beneficial for him to highlight the need for minimum regulation for universal housing design and a review of criminal justice with the Commissioner.

The Queensland market position statement was also raised, with the Council noting that the document was beneficial but that it could mean that larger organisations are advantaged.

Council Member Dean Barton-Smith also stated that the deaf community is nervous relating to Scheme intake, as many individuals felt that they did not have an understanding of the Scheme and the funding for supports that would be provided in preparing for the NDIS.

Council Member Jennifer Cullen raised that the Northern Territory Indigenous Language Centre has agreed to translate material relating to information on the NDIS and the participant pathway for the Barkly region. The Council also discussed priority and access being a concern in Queensland with mixed messaging provided by the NDIA and the Queensland government. The Council noted that NDIS champions that were being funded by the Queensland Government were on occasion providing incorrect information to communities and were being associated with the Agency through the local area coordinators (LACs) involved.

Council Member Ken Baker stated that the NDIA had provided new terms of business to providers which required them to provide a monthly statement of charges. The council noted that many providers do not have the capacity to provide statements so frequently.

The Council also discussed the recent Senate inquiry into people with disability in indefinite detention. It was noted that Committee was interested in whether anything had been learned

in relation to this group of people from the trial sites. The Council raised that it was important for the NDIA to have a better interface with this area.

The Council clarified the rules regarding the continuity of support for people aged over 65 who are currently receiving disability services, including NDIS participants.

Council Member Taggart raised that many families are not receiving enough information relating to the Scheme and that most information is being received through community sessions provided by disability organisations. It was agreed that this was not necessarily a bad thing and that non government agencies might be better at spreading the word but that this could be far more systematic

In addition, the Council noted that local governments are seeking further information on the role of local area coordination (LAC) and how it will work with local government once it has commenced.

Council Member Mahmic noted that the NDIA needed to be clearer in communicating that the specialist provider system is a critical component in supporting children who have higher support needs, rather than solely explaining access partner components.

Council Member Mahmic noted that the NSW LAC partners appointed are both faith based organisations and this might impact on some people engaging with them.

The Council raised that information for self-management is not being presented consistently, with concerns being raised that the NDIA is not providing enough support for self-management. Self-management is being seen as too difficult for most people, with the role of plan management providers being poorly understood. The Council noted that a concerted strategy by the Agency to focus on a continuum for self-management was need to help people move towards self-managing their plans.

Council Member McKenna-Kerr noted that organisations and participants in WA are ready for the bilateral agreement to be signed and that the expansion of the trial sites was perceived as beneficial.

ITEM 7 Capacity building for the most vulnerable

The Council noted the paper relating to capacity building for the most vulnerable in closed systems.

The Council noted that the Agency uses its current risk assessment processes to identify people who are vulnerable in closed systems and that the Agency could develop a series of questions in the planning process to identify people in closed systems.

The Council agreed that the definition of closed systems needs to be refined.

The Council discussed whether building capacity and reducing vulnerability of participants who live and spend the day in closed systems should be included in reasonable and necessary support for participants in closed systems. The Council noted that assistance

should be provided for support for decision making, as well as to develop personal safeguards and build capacity.

Action 7 The Council agreed for the paper to be provided to the Board as formal advice, with the inclusion of a refined definition on closed systems.

ITEM 8 Support coordination as a tool of capacity building in the NDIS

The Council discussed the nature and delivery of support coordination as well as the registration process for providers.

The Council agreed for the following be included in support coordination:

- the development and strengthening of informal support and individual capacity building to enable participants to speak for themselves, develop personal safeguards, and make decisions;
- assistance to participants to develop roles that provide opportunities for relationships and to build a sense of belonging;
- support for participants to link to mainstream services including assistance to locate and support the development of informal support in mainstream services;
- individual capacity building in areas across the outcomes framework; and
- the development and coordination of unpaid and mainstream supports and connections.

The Council agreed that the level and duration of support co-ordination should balance the requirements of maximising independence, self-management and inclusion of participants with Scheme sustainability.

The Council discussed at length whether registered services that are providing core supports should be able to provide support coordination, plan management and capacity building.

The Council agreed that further discussion was needed on this paper including whether support coordination could be provided by a registered provider and that this item would be brought back at the next meeting of the Council.

Action 8 Secretariat to reschedule support coordination as a tool of capacity building for the next meeting of the Council.

ITEM 9 Future of peer work in mental health and the broader disability sector

The Council noted the paper on guidance on the application and promotion of peer work in the context of the NDIS.

The Council noted that peer work can facilitate inclusion as people with similar life experience usually engage well and that peer support services can be developed across all disability categories.

The Council noted that competency needs to be included in peer work. Peer workers need to have a positive impact by doing the job well. This would require the development of a peer workforce guideline that outlines roles and capabilities, considerations in developing service models for peer support governance arrangements, supervisory structures as well as recruitment strategies, training and skill development requirements.

The Council agreed that the paper should look at the wider disability sector in peer work, including how peer support relates to:

- the employment of people in disability services;
- new roles in the NDIA, including support coordination and plan management; and
- planning and personal support.

Action 9 Council to provide a letter to the Department of Social Services on peer workers and their importance as a priority for projects currently being developed on workforce development .

The Council agreed to the overall recommendations and requested for the paper to be developed further and come back to the next meeting of the Council.

Action 10 Secretariat to schedule peer work as an item for the next meeting of the Council.

ITEM 10 Intellectual disability update

The Council noted the intellectual disability update, including the work plan status.

The Council agreed for the papers on equitable access to the NDIS by people on the margins and equitable access to the NDIS by people in touch with the criminal justice system to be provided to the Board.

The Council noted that the papers included impairments other than disability and agreed that the paper could be renamed to encompass cognitive impairment, in addition to intellectual disability.

The Council discussed the purchase of comprehensive needs assessments where necessary especially where lack of evidence of impairment and functional capacity impedes the determination of eligibility.

The Council noted the changes to the papers Support for decision making and agree to adopt the paper for it to be provided to the Board. The Council noted that the paper on support for decision making had been amended to include:

- a clearer expectation of everyday implementation of support for decision making; and
- a refined interpretation of family and informal decision makers.

The Council agreed that the most vulnerable participants must be prioritised to receive funded supports for decision making as part of their first preplanning and plan preparation processes (prior to the preparation of the first plan).

The Council agreed to the support for decision making paper.

AGENDA ITEMS: DAY TWO – FRIDAY 20 May

ITEM 11 Operations update

The Council noted the Operations update provided by the DCEO Operations.

The Council discussed contact being made with eligible participants and their entrance to the Scheme. The Council noted that phone calls are used to confirm age, residency and confirm eligibility for the NDIS based on severity and urgency. A short form outcomes framework questionnaire is undertaken. Phone calls do not undertake planning; planning is always conducted in a face to face session. All participants are sent letters and advised to expect contact within 6 to 10 days. LAC planners are provided with travel time and 10 hours of face to face engagement time to form draft plan. This plan flows to an Agency delegate for approval.

The Council noted that the Agency is working to address lengthy delays, including postal delays. Due to the scale of numbers entering the Scheme the Agency is developing an efficient and repeatable process to determine eligibility and source as much information as possible to refine processes.

Council member Meagher requested simplified communications for those with cognitive impairment and the possibility that the IAC review the letter including a template of questions likely to be asked.

Action 11 Agency to provide the Council with explanation points on the NDIA contacting people for eligibility purpose which they can use with external networks.

The Council discussed new entrant delays as well as the obligation under the *National Disability Insurance Scheme Act 2013* to grant access to the Scheme after 21 days of a participant providing all necessary information. The Council noted that the NDIA makes access decisions and then tries to approve plans as quickly as possible, however the Agency is not permitted legally to exceed its bilateral targets for approved plans in the Scheme.

The Council raised the issue relating to the bilateral targets not reflecting the numbers eligible for the Scheme in states and territories and that the Commonwealth is discussing with the Northern Territory raising the intake of participants.

ITEM 12 Self-management

The Council noted the update on self-management provided by Ian Maynard, DCEO Operations.

The Council noted that it was important to maintain a continuum for self-direction to ensure that participants are able to build capacity to start to manage their plans. It was noted that

seven per cent of participants are completely managing their own funding and that this should be promoted through Agency communications.

The Council proposed the importance of using peer networks and that plan management providers could also be beneficial. These types of services are already being provided by organisation through state based systems, though these organisations are unsure as to their role in the NDIS.

The Council stated that self-management could be stimulated through pricing as well as through the provision of support coordination in packages. Information, linkages and capacity building (ILC) is critical in providing support for tools, support and workshops and other information on self management.

The Council noted that the Agency is examining conflict of interest and noted that plan management and support coordination could be provided by the same provider.

Action 12 Belinda Epstein Frisch to provide an outline of the architecture in the NDIS that could help promote self-management, especially in relation to information linkages and capacity building.

ITEM 13 ATSI engagement plan and strategy

The Council noted the progress of the Aboriginal and Torres Strait Islander Engagement Strategy and Action Plan.

The Council discussed issues that the NDIA should consider in delivery of the Action Plan and in imbedding the engagement approach under the NDIS.

The Council raised that it would be important to re-engage the working group to examine the progress of the plan after a year to ensure accountability of the Agency on deliverables.

The Council noted that the strategy provides a lot of useful information, however it was raised that the action plan needs further work and may need further input from the working group, especially for the parts of the document that did not connect easily with the strategy.

The Council stated that issues could arise around bringing people into the Scheme based on the NDIS prioritisation of severity rather than cultural priorities set out in cultural lore. The Council noted that the intake process is agreed between governments however communications will be provided to endeavour to achieve this flexibility.

The Council discussed the Culturally and Linguistically Diverse (CALD) strategy and noted that the next draft would be made available to working group members by the end of May 2016.

The Council raised the need for the development of a Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) and gender strategy to help determine vulnerability risks during eligibility discussion.

Action 13 Secretariat to schedule an item on gender issues and the NDIS for a future meeting of the Council.

ITEM 14 Community linkages update

The Council noted the community linkages update provided by Kirsten Deane, Director Community Linkages.

The Council noted feedback received on the ILC commissioning framework and that further consultations were being held ahead of the release of the next iteration of the framework.

Policy feedback on the ILC commissioning framework included:

- that there are too many outcomes that read similarly to principles and are too high level;
- the interaction between ILC and LAC; and
- the interaction of ILC with the mainstream.

Implementation feedback for the framework included:

- facilitating organisations being able to successfully participate in ILC grant rounds;
- conflict of interest (including whether advocacy organisations are able to use ILC funding);
- issues relating to rural and remote areas;
- that the application process needs to be accessible and inclusive; and
- the need for self-direction principles to be worked into key requirements.

The Council noted that that program guidelines will be developed in time for the commencement of ILC in 2017.

Action 14 Agency to provide an update on the further development of self-direction in ILC.

Action 15 ILC Commissioning framework to be examined by the Council out of session before it is provided to the Board.

ITEM 15 Scheme Actuary update

The Council discussed the 31 March 2016 quarterly results, the risks to sustainability identified and the management responses.

The Council noted that 35 per cent of participants were using a combination of self-management and Agency management of funds. As the mobility funding is usually self-managed, it was raised that this could be inflating the data.

The Council discussed how actuarial data could be used to see how participants are becoming more independent over time to increase self-management.

The Council noted the change in committed supports between participants' first initial plan approval and their latest amended second plan for the average participant.

Action 16 Scheme Actuary to provide a report at the next meeting of the council on package values as well as the exit rates of children from the Scheme.

Action 17 Scheme Actuary to provide further information on the deregulation of prices for self-management and its intended effects.

Action 18 Scheme Actuary to provide data on people who are self-managing that excludes participants who are only self-managing a mobility allowance.

ITEM 16 Media and communications update

The Council noted the Agency's 1 July 2016 readiness communication and engagement activities (#NDISready).

The Council noted the development of foundation documents that can be used with stakeholders and that the Agency is aware that with some groups further communications are needed that can be used to explain the phasing in a clear and concise manner.

The Council noted the development of consistent signing interpretation which is different in other languages and does not have consistent signing for terms used for the NDIS.

The Council noted that information sessions for participants and providers are being organised by local sites and that a stakeholder list has been developed so that key stakeholders have a contact at the senior executive level within the Agency.

The NDIA is developing a system in which others can use the branding of the NDIS, including a tiered approach for stakeholders, state governments and registered providers. The legality and practicality of this is being examined.

The Council noted that a section on the website is being developed that highlight five key things that people can do to prepare for the NDIS as part of #NDISready. The core communications product will be completed by mid-June 2016 and that the language translation process will be ongoing post 1 July 2016.

The meeting concluded at 3:41 pm on 20 May 2016.

UNDER THE LINE ITEMS

- The Council noted the current Administrative Appeals Tribunal reviews paper.
- The Council noted the Housing Innovations Working Group update.

FINAL MINUTES

National Disability Insurance Scheme Independent Advisory Council

Meeting 3 of 2016 (3 - 4 August 2016)

Leichardt Room, 27-29 Little Lonsdale St., Melbourne

ATTENDEES

Members present:

- Dr Rhonda Galbally AO (Principal Member)
- Mr Dean Barton-Smith AM
- Ms Jennifer Cullen
- Ms Sylvana Mahmic
- Ms Joan McKenna-Kerr (Day 1)
- Ms Janet Meagher AM
- Mr Dale Reardon
- Mr Michael Taggart

National Disability Insurance Agency staff in attendance:

- Ms Stephanie Gunn. A/g Deputy CEO Stakeholder Relations (Day 1)
- Mr Ian Maynard, Deputy CEO Operations (Day 2)
- Mr Paul O'Connor, Chief Risk Officer
- Ms Sarah Johnson, Scheme Actuary (Day 2)
- Ms Anne Skordis, General Manager Scheme Transition (Day 2)
- Ms Kirsten Deane, Director, Community Linkages Division (Day 2)
- Ms Anna Burke, Senior Project Officer, Community Linkages Division (Day 2)
- Ms Katherine Rhodes, Director, Governance
- Mr Tim Hillman, Council Secretariat (Day 2)
- Mr Gary Ibbotson, Project Officer, Governance (Day 1)

External participants:

- Ms Belinda Epstein-Frisch, consultant to the Independent Advisory Council (Day 1)

Apologies:

- Mr Ken Baker AM
- Dr Gerry Naughtin

DAY 1 - WEDNESDAY 3 AUGUST

The meeting commenced at 9:30 am on Wednesday 3 August 2016.

ITEM 1 Council members' only discussion

The first item consisted of a member's only discussion. Discussion was not recorded.

ITEM 2 Principal Member's welcome

The Principal Member welcomed attendees to the third meeting of the Independent Advisory Council (the IAC) for 2016.

The Council acknowledged the traditional owners of the land and paid respect to elders, past and present.

The Council also acknowledged that the purpose of the National Disability Insurance Scheme (NDIS) is to achieve social and economic participation of people with disability and certainty for people with disability, within the context of the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD). In particular, the NDIS promotes self-determination, independence and mainstream community inclusion of people with disability. These principles inform the IAC's advice to the NDIA Board in the context of an 'ordinary life'.

ITEM 3 Declarations of interests

The Principal Member noted that the secretariat had circulated an updated version of the standing Register of Interests.

ITEM 4 Minutes and actions arising of previous meeting

The Council noted and agreed to the minutes and actions arising from the meeting held on Thursday 19 and Friday 20 May 2016.

ITEM 5 Report from Principal Member

The Council noted the report from the Principal Member which included a summary of members' only discussion.

The Council noted the lack of public information regarding the important work of the IAC. A communique to the public capturing key outcomes of meetings and information about IAC papers (including links to access these) would enhance the visibility of IAC work and enable greater cross-over with NDIS 'grassroots' activities.

Action 1 Previous IAC advice to be compiled as a narrative and provided to the Productivity Commission.

The Council underscored the need for IAC products and resources (including End of Year Updates, and IAC advice to the Board) to be easily accessible, in particular, on the NDIS Website.

Target groups for IAC information include: people with disability and their families, lobby groups, peer organisations, and grassroots websites. Inclusion of this information in organisations' newsletters would assist reaching a diverse audience. Currently, key issues for communicating to the public include increasing self-determination and community participation.

Action 2 Agency to develop a strategy for the advice of the Independent Advisory Council to be communicated more broadly.

The Principal Member noted that she will deliver a keynote address at the annual conference of the *New Zealand Disability Support Network*. The keynote address is expected to cover learnings from the implementation of the Scheme to date.

The Principal Member noted the agreement of members to re-sign Confidentiality Agreements out of session and provide to the secretariat at the next meeting of the IAC.

ITEM 6 NDIA report

The Council noted the NDIA report provided by Stephanie Gunn, A/g DCEO Stakeholder Relations.

The Council received an update on the transition to full Scheme and the Sydney and Melbourne Housing showcases. The Council briefly discussed the Specialist Disability Accommodation (SDA) including the draft NDIS SDA Rule.

Action 3 The Council requested an update on Specialist Disability Accommodation at its next meeting, including information on price and values.

The Council discussed in-kind funding and its direct impact on choice and control noting that the Board is developing a strategy to address choice and control in the context of ongoing 'in-kind' arrangements during transition.

The Council was provided an update on Local Area Coordination (LAC) and Early Childhood Early Intervention (ECEI). The Council sought clarification regarding the inclusion of faith based organisations in the selection of NDIS Partners in the Community (PIC). The Council noted that some communities and individuals have strong reasons for not wishing to engage with such organisations.

The Council noted that the Agency is engaging people from diverse backgrounds and that the experiences in NSW with faith based organisations are being monitored. Where a person indicates their discomfort with engaging with a particular LAC/ organisation, the Agency staff may provide support directly.

The Council noted that recent communications activities included:

- NDIS Ready campaign
- 10,000 daily NDIS website visits
- 60 public events in August, and
- National NDIS and mental health engagement events taking place between September - December 2016

The Council noted that the Agency has not released a press release in approximately five months. The Council also raised that, in dealing with critical incidents, it is important for the Agency to include Aboriginal and Torres Strait Islander languages and other languages in communication products.

ITEM 7 Members' reports 'from the ground'

The Council noted members' reports 'from the ground'.

Joan McKenna-Kerr

The portal is creating issues for individuals and their plan, as plans are not being finalised or reviewed. It was raised that communications in relation to the portal could have been better

managed. The Agency needed to be more open about the situation because it was perceived that the Agency was shifting blame onto the sector.

Action 4 IAC members to provide details of issues that are being raised in relation to the portal.

Sylvana Mahmic

Regular Early Childhood Early Intervention (ECEI) meetings with the Agency are a positive step for the dissemination of information. The Council noted that mainstream organisations are beginning to show interest in what the approach signifies.

However, in general there is a lack of information about ECEI which is having consequences for the Scheme. The Council queried whether there are enough resources within the Agency to adequately resolve and communicate the ECEI approach.

Janet Meagher

Janet Meagher provided an update on the mental health sector in the Hunter, including meetings that had been held with participants and providers.

The Council noted that many providers are still unable to adequately respond to challenging behaviours and that individuals are unaware that they can receive individual supports. The narrative is starting to shift to include people with disability at its centre.

The Council noted that many people with psychosocial disability are still not aware of the opportunities afforded by the Scheme. These opportunities include the development and articulation of personal goals and aspirations. Without this information and skills, people with psychosocial disability may not be planning well. However, it was noted that many participants with First Plans have experienced very good outcomes.

Action 5 Council agreed that Agency staff need to be properly informed on IAC advice and concepts.

Dale Reardon

Dale Reardon underscored the significance and impacts of Portal issues for people accessing the Scheme.

Jennifer Cullen

There continues to be an under representation of Aboriginal and Torres Strait Islander participants in areas such as Palm Island and Townsville. The Council noted that data is currently being collected manually and provided to the Agency. However, people and providers are eager to learn more about the Scheme and there has recently been a surge in interest for scheme readiness. It was also noted that community leaders are being engaged and LACs are doing well.

Dean Barton-Smith

Dean Barton-Smith provided an update on the National Auslan booking service having its services reduced, with people finding that that Auslan bookings are being reduced to one hour. It is reported that the Department of Social Services (DSS) is using the NDIS as the reason for the changes. This created confusion amongst the deaf community and concerns as to what other impacts that the NDIS may have.

Michael Taggart

The Council noted that Michael Taggart has accepted an invitation to become a member of a 'key influencer working group' in SA on the implementation of bilateral agreements in transition to full scheme.

Michael Taggart noted that local governments are being approached by market expanders to examine whether local governments are able to assist with eMarket type models. A concern was raised that inexperienced support coordinator companies are entering the market using good advertising strategies with profit expectations. The Council noted the potential dangers of these new entrants in the market.

Action 5 The General Manager, Market and Providers, to be advised of new and inexperienced support coordinator companies entering the market.

Rhonda Galbally

The Council was provided an update on behalf of Judy Huett member of the IAC's Intellectual Disability Reference Group (IDRG).

The Council noted that it had been observed by Judy Huett that 'too much support' was being provided to participants in Tasmania, which was making people reliant and impacting on their independence. Consequently, the Council noted the need to examine the barriers to social independence preventing people with disability from doing the same activities as their peers.

The Council raised that this issue may also relate to access to the Scheme.

The Council noted that access to psychological services is included under Medicare. Members reflected on the need for further articulation of the NDIS and health interface principles.

Action 6 Agency to schedule an item on the inclusion of access to psychological services in the NDIS for the next meeting of the IAC.

ITEM 8 Enhancing self-direction and self-management

The Council noted the draft paper relating to enhancing self-direction and self-management. Discussion ensued and feedback was provided.

The Council noted that, traditionally, state and territory systems have not allowed opportunity for people with disability to take control of their lives. Self-direction and self-management of disability supports requires: information sessions, appropriately trained staff, planning partners and technical assistance.

Self-direction and self-management do not always require additional funding, however, do require focused supports. The Council noted that this is possible under the NDIS as funds are flexible, except for substantial investment purchases (For example, assistive technology and home modifications).

The Council noted that the advice needs to clearly state the Agency's position on self-management including the use of intermediaries.

The Council agreed that the paper needs to include an additional recommendation on the provision of technical assistance for self-management.

The Council also noted that the paper needs to address flexibility in funding to increase participation but that no funding should be used for items that personal income should cover. It was raised that participant stories could be included in the paper to illustrate key issues.

The Council noted that the models from the UK and Canada could be examined to further develop the paper, as well as New Zealand's enhanced flexible funding model.

The Council noted that Plan Managers, in addition to auditing and providing assurance for the participant and Agency, could also play a role in building participant capacity around self-management of plans.

The Council agreed for the paper to be finalised out of session.

Action 7 The Council recommended that the advice on enhancing self-direction and self-management be provided to Marita Walker, Regional Manager for review.

ITEM 9 Support coordination as a tool of capacity building in the NDIS

The Council noted the discussion paper on support coordination as a tool for capacity building in the NDIS. The nature and delivery of support coordination as well as the registration process for providers was discussed.

The Council noted the current requirements for support coordination, including that providers must be registered and cannot undertake any other tasks within a plan. Support coordination must build the capacity of participants to manage the plan and make decisions around new skills.

The Council underscored the need for support coordinators need to have the right skillsets. However, it is important that the requirements are not too restrictive as this could impact on participant outcomes. The council noted that 'specialist support coordination' could be adopted for time limited periods where a person has complex circumstances in their lives.

The Council noted that the registered provider clause currently prevents peer workers from providing services and that the requirements for registration need to be simplified as they are currently too onerous. The Council agreed that the current registration process does not cover capacity building effectively.

The Council noted that an evidence base on support coordination and capacity building needs to be further developed. Papers regarding capacity building and support coordination be developed separately but considered by the IAC together.

ITEM 10 Intellectual Disability Reference Group update

The Council noted the update on the Intellectual Disability Reference Group (IDRG).

The Council noted that the advice on support for decision making will be resubmitted at the next meeting of the Board on Wednesday 21 September 2016 now that the further evidence base (and additional literature review) has been included. The Agency is developing a response to the advice papers on capacity building, equitable access, and the Agency's understanding of intellectual disability.

Four key issues were identified for the IDRG work plan, these are:

1. approaches to information gathering during the access process
2. complex behaviours and circumstances
3. SDA eligibility and principles; and
4. Investigation of 'too much' NDIS support undermining independence

The Council noted progress on the paper for equitable access for the homelessness group, noting that it is useful to prioritise IDRG work.

Janet Meagher provided an update on the National Mental Health Reference Group (NMHSRG). The Council noted that the NDIA received a letter from Mental Health Australia calling for the cessation of the transition of Commonwealth mental health programs into the Scheme. The Council agreed this is an example of mental health sector services 'pushing back' on person centred funding.

The Council was provided an update on the Culturally and Linguistically Diverse (CALD) Working Group. The Council noted that the last meeting was held at the end of February 2016 and that another meeting had been scheduled for mid-August. Members of the CALD Working Group believe the CALD strategy requires further work.

DAY 2 - THURSDAY 4 AUGUST

The Council agreed that podcasts could be created to raise disability issues and to outline previous IAC advice. The Council requested that this matter be raised with the General Manager of Media, Communications and Engagement.

Action 8 Secretariat to raise with the General Manager, Media Communications and Engagement, the possibility of using podcasts to raise issues and outline previous IAC advice.

ITEM 11 Operational update

The Council noted the Operations update provided by Ian Maynard, Deputy CEO Operations.

The Council noted the context surrounding the ICT and shared services transition from the Department of Social Services (DSS) to the Department of Human Services (DHS).

The Council was briefed on the progressive resolution of issues following the transition, particularly with the provider portal. The Council raised that the lack of communication regarding the portal and systems transitions was a key issue. The CEO Forum, as well as the Council itself, could have been key mechanisms to provide information to the public.

System focus

The Council noted that the system is working as required, with a key feature consisting of a service booking function. The function creates an agreement between a provider and participant and outlines the value and time of the relevant service. The Council noted that the majority of claims are bulk claims which the Agency has made significant progress in processing.

Highlights of system performance

The Council noted the following aspects of system performance:

- 9,000 access decisions made for new participants

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- 4,500 plans in various stages of development
- a small number of plans approved, issues around service bookings require resolution before achieving target of 1,000 plans per week
- \$36 million in payments made since 1 July; and
- 96% of requests from self-managing participants are progressing without intervention.

The Council noted that Ian Maynard, Deputy CEO would be travelling to ACT to update providers on the provider portal resolution and provide an apology. It was suggested by the Council that communications should include participants as well as providers.

Risk management processes

The Council queried the risk management process in place for the ICT transition. The Council noted that the design and build of the system included testing functionality, including user acceptance testing and business verification testing. In addition, a business continuity plan was created to include a number of contingencies, which was tested and reviewed by a third party. The business continuity plan was invoked in relation to the payments issue. Tiger teams had been established and resourced before 'go-live' to quickly respond to issues and provide detailed analysis.

Call centre statistics

The Council noted that the call centres had received 1078 calls and 578 had been abandoned. The average time to answer a call was between three to four minutes and calls were abandoned on average between 80 to 90 seconds. Council members were generally pleased with the speed of call response based on standard government expectations.

Self-management

The Council noted that from 1 July 2016, new self-managing participants entering the scheme will not be provided an upfront float as it was considered administratively challenging. The Agency recommends that participants who want to self-manage create a separate bank account for Agency funds, as it is difficult to audit if funds are co-mingled, however the Agency is unable to enforce this approach.

Currently, participants are able to request an advance payment when needed, however this would be a low value in comparison to the float and the request process is time consuming for both the participant and the Agency. Further options for advance payments are being explored. The Council noted that requesting an advance payment is heavily administrative and would discourage many participants from self-managing. It was raised that monthly payments or quarterly payments would be a better option, rather than participants having to claim on each individual transaction.

The Council agreed that the paper on enhancing self-direction and self-management needed to address the barriers to self-management including:

- a dedicated bank account
- strong audit processes with consequences for non-compliance (which could consist of an independent auditor), and
- monthly advance payments.

Action 9 The next meeting to include a co-design workshop on self-management with Board members and the Scheme Actuary, to be held in Sydney.

Action 10 The Council agreed that the advice on enhancing self-direction and self-management would be finalised following the co-design workshop on self-management.

ITEM 12 Bilateral rollout schedule

The Council noted the update to bilateral rollout schedule.

The Council noted that the key issue arising out of bilateral agreements was 'in-kind' funding. The Council was provided with a brief overview of the current arrangements and noted that the COAG Disability Reform Council is scheduled to discuss this issue at its meeting on Friday 2 September 2016.

Action 11 The Council to provide advice out of session to the Board on in-kind that includes a time limitation of approximately 3 years.

The Council noted that the accessibility of the document attachments for this item was excellent and requested this feedback be provided to the Scheme Transition Division.

ITEM 13 Prototype of the ILC toolkit presentation

The Council noted the update on the ILC toolkit provided by Kirsten Deane, Director Community Linkages Division and project leads from Social Ventures Australia (SVA).

The Council noted that the toolkit focuses on small and medium organisations and attempts to make the process as equitable as possible. The toolkit incorporates the individual at its centre and contains three sections:

- What is ILC?
- What are the outcomes?
- Applying for ILC grants.

Action 12 The Council recommended that the toolkit use a person first approach and provide guidance on community development. The toolkit needs to express that no longer relying on funded supports is a good outcome.

ITEM 14 Other business, feedback and confirmation of next meeting

No other business was raised.

UNDER THE LINE ITEMS

- The Council noted the current Administrative Appeals Tribunal reviews paper.
- The Council noted the Housing Innovations Working Group update.

The meeting concluded at 1:15 pm on Thursday 4 August.