

National Disability Insurance Scheme Independent Advisory Council

Meeting 3 of 2015

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

MINUTES

ATTENDEES

Members present:

- Prof. Rhonda Galbally AO (Principal Member)
- Dr Ken Baker AM (27 August)
- Ms Jennifer Cullen
- Mr Kurt Fearnley (27 August)
- Ms Sylvana Mahmic
- Ms Joan McKenna-Kerr
- Ms Janet Meagher AM (27 August)
- Dr Gerry Naughtin (27 August)
- Mr Michael Taggart

Apologies:

- Mr Dean Barton-Smith AM
- Mr Dale Reardon

Board members present:

- Ms Geraldine Harwood

National Disability Insurance Agency staff in attendance:

- Ms Louise Glanville, Deputy CEO (27 August)
- Mr David Fintan, Acting General Manager, Governance (27 August)
- Ms Esther Kerr-Smith, General Manager, Market and Sector (27 August)
- Mr Steve Jennaway, General Manager, Contracts, Procurement and Property (28 August)
- Ms Sarah Johnson, Scheme Actuary (28 August)
- Ms Branka Carter, Branch Manager, Operations Branch Executive Section
- Mr Mark Sweeney, Branch Manager, People and Culture (Item 5.1)
- Mr Piers Smith, Director, Technology Authority (Item 3.2)
- Mr Nick Chiam, Community Development Authority (Item 6.3)
- Mr Michael Ryan, Director, Full Scheme Implementation (28 August as an observer)
- Ms Louise Freeman, Director, Governance
- Mr Tim Hillman, Council Secretariat

External participants:

- Ms Belinda Epstein-Frisch, Consultant to the Independent Advisory Council
- Mr Matthew Wright, CEO, AFDO (28 August)
- Ms Catherine McAlpine, Senior Manager, AFDO (28 August)

Agenda items:

The Council considered the agenda items in the following order: 1.1; 1.2; 1.3; 1.4; 2.1; 2.2; 3.1; 5.2; 4.1; 5.1; 3.2; 6.1; 6.2; 6.3; 7.1; and 7.2.

AGENDA ITEMS: DAY ONE – THURSDAY 27 August

ITEM 1.1 Principal Member's Welcome

- The Principal Member welcomed members to the third Independent Advisory Council (the Council; IAC) meeting for 2015.
- The Council acknowledged the traditional owners of the land and paid respect to elders, past and present. The Council also recognised the participants in the Northern Territory and that Kurt Fearnley and Jennifer Cullen had recently visited the Northern Territory to attend the Desert Harmony Festival.
- 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 Geraldine Harwood, Louise Glanville, David Fintan and Branka Carter 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.
- Standing Register of Interests circulated to members as part of the meeting papers for the meeting. No additional interests were declared.

ITEM 1.3 Minutes of previous meeting

- The minutes of the 21-22 May 2015 Council meeting were agreed to with the following amendment:
 - minutes to be amendment to reflect that references to 'assistance' means 'equipment' in relation to Assistive Technology.
- The Council noted and agreed to the list of matters arising.

ITEM 1.4 Report from Principal Member

- The Principal Member provided an update on:
 - the Council's appearance at a public hearing for the *Joint Standing Committee on the National Disability Insurance Scheme* on 5 June 2015.
 - a recent update to the Agency's website that includes more information on capacity building for participants. It was also raised that the Council could provide updates for the Agency's newsletters on the work of the IAC.
 - co-ordinating Council members to attend a CEO's forum meeting to discuss the work of the IAC after October 2015.

- the New World Conference to be held in Brisbane on 27-29 October 2015. The Council noted that the Principal Member will provide a further update on the Conference once it is held.
- a presentation to be delivered by the Principal Member in her private capacity at Berkley University, San Francisco.

Section 47F

ITEM 2.2 Members' reports 'from the ground'

- The Council noted members' reports 'from the ground':
 - Dale Reardon - the recent AAT decision regarding McCutcheon was raised out of session and noted that the Agency had begun to address the decision.
 - Ken Baker - the Agency does not have an adequate emergency response and the Council agreed to discuss this at a future meeting.
 - Jennifer Cullen and Kurt Fearnly - the Barkly Regional Arts Council received \$60 000 from the Agency to help run the Desert Harmony festival. The Council noted that increased engagement is required with the local indigenous community in Tennant Creek and that when funding events the Agency must ensure they are accessible to people with disability.
 - Kurt Fearnly raised concerns regarding autism assessment costs. The Council requires briefing on this issue including the Autism report, and will agenda this issue for discussion at a future meeting.
 - Gerry Naughtin - the Mental Health sector remains uncertain about the NDIS but engagement with stakeholders is improving. Keen to see more evidence of how the IAC's work on mental health is impacting on the Agency
 - Janet Meagher – the Agency needs to consistently use appropriate language when it discusses mental health issues and avoid diagnostic terms such as “Schizophrenia”. This language does not comply with the UNCRPD guidelines.
 - Sylvana Mahmic - the opening of the Nepean Blue Mountains (NBM) site has been successful and community engagement is positive. The site is working with established Community Partners, the Department of Education and the Department of Health. The Council noted that the NBM site has a high proportion of CALD participants and the Agency should measure the cultural diversity of participants.
 - Sylvana Mahmic – under the SDOM model, participants will be streamed into the Scheme. Different streams will receive a different level of engagement with the Agency and its outsourced planners and LACs. It is important to identify the amount of assistance that will be provided to those people who will be self-managing their packages.
 - Michael Taggart - Julia Farr Purple Orange is creating a website called Peer Connect through the Sector Development Fund (SDF). This website is aimed at helping people learn about the NDIS through technology.

Action Items/Matters Arising
<p>The Council agreed that:</p> <ul style="list-style-type: none">• Secretariat to add emergency response solutions as a topic for a future Council meeting agenda (Ken Baker and Joan McKenna-Kerr to provide examples).• Engagement and Communications to ensure that the Agency is not funding events that aren't completely accessible.• Secretariat to include Autism report on the agenda for a future meeting (Joan McKenna-Kerr and Sylvana Mahmic).

ITEM 2.2 Deputy CEO Report

- The Council noted the DCEO update from Louise Glanville.
- The Council received an update on the current status of the Bilateral Agreements and noted that the Agency was awaiting policy advice from DSS on housing, quality and safeguards and mental health.
- The Council noted that 16.6% of Agency staff have a disability and 53% of staff have a lived experience of disability. The Agency's senior recruitment activity is focusing on recruiting people with a disability and/or lived experience.
- The Council noted
 - that the opening of the Nepean Blue Mountains site was received positively and the Agency is actively engaging local partners.
 - plans for the Agency's New World Conference in Brisbane are progressing well with a number of key note speakers confirmed. The conference will focus on the use of innovative and effective technology to transform the lives of people with disability, their families and carers.
- The Council noted that a recent Administrative Appeals Tribunal (AAT) decision determined that chiropractic treatment included in a participant's plan could be classified as a reasonable and necessary support. The Council noted the broader implications of this decision with regards to the services that should be funded by the NDIA or the mainstream health system.

ITEM 3.1 Operational Update

- The Council noted the Operational Update on NDIS implementation, including updates on the National Access Team, the Complaints Framework, staff training and development, and the Nepean Blue Mountains implementation.
- The Council noted the role of Community Connectors in NSW and that they will build awareness and understanding of the Scheme, assist with the access process, work with participants and their families to ensure they are 'plan ready' through workshops and meetings while guiding plan implementation.
- The Council raised concerns with the Community Inclusion and Capability Development (CICD) fund noting that it needs to be as transparent as possible. The Council noted that

the program is currently under review and that this will be provided to the Board. The Council will like to be updated on the progress of the CICD grants program.

Action Items/Matters Arising
The Council agreed that: <ul style="list-style-type: none">• An update on the CICD grants program will be provided at a future meeting.

ITEM 4.1 Workplan: Enhancing Personal Safeguards

- The Council noted the draft paper on: *How can the NDIS help participants enhance their personal safeguards in order to experience greater independence, economic participation and community inclusion?*
- The Council noted that both the Agency and participants carry risk and that the Agency as well as the individual needs to have risk mitigation strategies in place. The importance of an individual’s natural safeguards cannot be underestimated and an active life in the mainstream community is integral to minimizing risk. A life lived in isolation in a segregated community will often heighten the risk of abuse.
- The Council noted that the paper focuses on strengthening an individual’s capacity to manage risk and how this can be achieved through the planning process and ILC. The importance of training staff, outsourced planners and LACs on safeguards was also noted. It was acknowledged that Self-advocacy has its limitations and complexities but is necessary for strengthening self-management of risk. The paper will recognize these limitations.
- The Council agreed to all four recommendations, noting
 - Recommendation two be reworded to encapsulate a broader approach as funding for individual safeguarding in every participant plan is not feasible
 - That the paper could include a section on the need to train WorkSafe inspectors to be aware of risks so that they can be analysed during inspections.
 - That a recommendation be included on providing a risk management approach in relation to financial planning/plan management.
- The Council noted that feedback would be provided on the paper out of session.

Action Items/Matters Arising
The Council agreed that: <ul style="list-style-type: none">• The Enhancing Personal Safeguards paper to be further developed out of session with input from Council Members.• The section on safeguards in the <i>NDIS Integrated Market, Sector and Workforce Strategy</i> report by DHS to be provided to the Council when it is available.

ITEM 5.2 Workplan: capacity building for participants

- The Council noted the paper on *Capacity building for participants, families and carers on the participant pathway* in preparation for advice to the Board.
- The Council noted the aim of the paper is to enhance the self-efficacy of individuals and that it explores a number of ways to do this. It highlights that effective capacity building is not about one off information sessions but should consist of a range of activities delivered over time. It identifies user led organisations as important avenues to provide capacity building as they are well connected to the disability community and peer networks.
- The Council agreed that the first recommendation of the paper includes an assumption that user led organisation will be supported through the ILC and that this recommendation needs to be clarified.
- It noted the paper should recommend the NDIS communicate with user led and capacity building organisations on the capacity building type clusters in the NDIS to encourage them to register.
- The Council agreed the paper will be reorganised into two parts: the first section will consist of suggestions for guidelines and the second part will consist of capacity building in relation to funding packages.
- The Council noted that the paper will be redistributed out of session before being provided to the Board. The paper will also be supplied to EMG for discussion.

Action Items/Matters Arising
The Council agreed that: <ul style="list-style-type: none">• Capacity building for participants paper to be divided into two sections consisting of guideline suggestions and capacity building in participant packages.

AGENDA ITEMS: DAY TWO – FRIDAY 28 August

ITEM 5.1 Workplan item: Capacity Building for staff

- The Council welcomed Mark Sweeney, Branch Manager, People and Culture to the meeting.
- The Council noted the draft paper on capacity building for staff along the participant pathway.
- The Council noted that all recommendations in the paper that have been discussed with People and Culture (except for those regarding promoting safeguards and enabling risk) can already be found in the Agency’s comprehensive competency framework.
- A major challenge for the Agency in relation to training is that its workforce has doubled every year since its commencement. Values training is a significant focus and the Council discussed the importance of having people with disability involved in training so that their valued perspective is always considered.

SENSITIVE: OFFICIAL COUNCIL MINUTES

- The Council noted that training for staff working with families needs to be considered as mandatory. In addition, it was noted that first aid training and CPR would also be beneficial for rural and remote areas.
- The Council raised that importance of disability confidence and for staff not to underestimate people with disability and their ability to achieve outcomes.

Action Items/Matters Arising
<p>The Council agreed that:</p> <ul style="list-style-type: none">• The Council's advice on reasonable and necessary should be used to better develop induction materials and training courses.• People and Culture to consider providing training for staff working with families and first aid training and CPR for rural and remote areas.• People and Culture to ensure that, wherever possible, people with disability are involved in training so that their perspective is always considered.

ITEM 5.2 Technology Authority update

- The Council noted the update from the Technology Authority.
- The Council noted that accessibility is paramount for the ICT platform and website. It needs to be accessible for CALD people and be available in a number of languages including indigenous languages. The content of the website must engage people with a disability, be easy to navigate and provide an exceptional user experience.
- It was noted that the website is a joint project that will be developed between the Agency and co-design activities with participants. The Council requested that it receive all outcomes of co-design activities relating to the website design.
- The Council noted that the NDIA website does not have to be the single source of truth and NDIA information will be distributed to trusted service providers or other organisations that will then provide it to their networks.
- The Council raised that the proposed eMarketplace should not be solely for registered providers but also mainstream services. It noted that under the current legislation providers must be registered in order to be paid by the NDIA, unless a participant is self-managing.
- The Council thanked Piers and requested that an item on the Ernst and Young work on eMarket be discussed at a future IAC meeting.

Action Items/Matters Arising
<p>The Council agreed that:</p> <ul style="list-style-type: none">• Technology Authority to provide outcomes from the website redesign working groups to the Council.• Secretariat to include an item on EY eMarket report for the Council's next meeting.

ITEM 6.1 Scheme Actuary Report

- The Council noted the update provided by the Scheme Actuary on Quarter Four results and discussed scheme performance, reference package consultation and data related to CALD participation.
- The IAC noted that the proportion of people from CALD backgrounds entering the Scheme is generally lower than expected. Dean Barton Smith and Sylvana Mahmic agreed to follow up on the status of the Agency's CALD Action Group.
- The Council noted that it will be useful to receive a table that incorporates information on participants with approved plans which is split by primary disability and includes outcomes.

Action Items/Matters Arising
<p>The Council agreed that:</p> <ul style="list-style-type: none">• Council members Dean Barton-Smith and Sylvana Mahmic to follow up on the status of the Agency's CALD Action Group.• The Scheme Actuary to provide statistics on the split of plan management types across the trial sites.• A definition of self-management should be established that captures all participants that self-management with no exclusions (Sylvana Mahmic and Belinda Epstein Frisch).• The Scheme Actuary to provide a table that incorporates information on participants with approved plans which is split by primary disability and includes outcomes.

ITEM 6.2 Intellectual Disability

- The Council noted the revised Intellectual Disability Reference Group (IDRG) workplan and the draft discussion paper *What the NDIS should understand about intellectual disability?* which is a product of collaborative work from a small number of IDRG members as well as NDIA staff
- The Council noted that the work plan includes two additional issues relating to people with intellectual disability living in large residential centres and other closed systems and parents who have an intellectual disability.
- The Council requested a 12 month agenda be provided that includes papers that are being provided to the Board to ensure correlation between the work of the IAC and the Board.
- The Council agreed that Eddie Bartnik, Community Development Authority, should be invited to attend the IDRG meeting in December 2015.

Action Items/Matters Arising
<p>The Council agreed that:</p> <ul style="list-style-type: none">• Secretariat to provide a 12 monthly agenda that includes papers that are being provided to the Board to ensure correlation between the agendas.• Eddie Bartnik, Community Development Authority, to attend IDRG meeting in December 2015.

ITEM 6.3 ILC Co-design framework update

- The Council welcomed Nick Chiam, Director of the NDIA Community Development Authority to the meeting.
- The Council noted the release of the Information, Linkages and Capacity building (ILC) framework by the Disability Reform Council and agreed the importance of the ILC as a sustainable and systemic component of the Scheme.
- ILC will establish and facilitate capacity building supports for people with disability, their families and carers that are not directly tied to a person though an individually funded package.
- The Council noted that ILC will also promote collaboration and partnership with local communities and mainstream and universal services to ensure greater inclusivity and accessibility of people with disability.
- There will be five streams of ILC activities, which will complement the role of the Local Area Coordinators (LACs), and will be part of the transitional planning arrangements between the Agency and the Commonwealth.
- The Council noted that the Community Development Authority will conduct co design activities with a range of organisations in the sector on the design of the NDIA Information, Linkages and Capacity Building Commissioning Framework.

Item 7.1 AFDO Disability Loop project

- The Council noted the update from the Australian Federation of Disability Organisations (AFDO) on its Disability Loop Project and that the Project's aim is to improve the capability of individuals and families to utilise choice and control and contribute to scheme codesign through assistance and advice
- AFDO consulted widely on the project including a national online survey. On communication, people were still having problems using the website and found that documents weren't always accessible and the Agency's language was too beaucroatic...
- Through the consultation phase people identified the importance of planners and the planning process, highlighted the negative impact of in kind on their plans and discussed some of the interface challenges with mainstream services and that they often were left in the middle of two different systems with no support.
- The Gap Analysis also revealed that the Agency needs to improve its efforts on co design and engage people with disability in a way that is appropriate for them.
- The Council noted that the Agency's approach of 'listen, learn, build deliver' is being actioned and that problems that are arising are being addressed over time.

Action Items/Matters Arising

The Council agreed that:

- AFDO to provide its report to the IAC once it is finalised.
- Nick Chiam to link up with AFDO in relation to the networks it consulted for Gap Analysis report.

Item 7.2 Feedback and confirmation of next meeting

- The next Council meeting will be held in October 2015.
- The meeting concluded at 4.02pm on Friday 28 August 2015.

UNDER THE LINE ITEMS

UTL Item 1

- The Council noted the current AAT reviews paper.