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23 February 2021

National Disability Insurance Agency
212 Northbourne Ave
Braddon ACT 2612
Via online submission

Submission: Access and Eligibility Policy with Independent Assessments (NDIS)

The Centre for Policy Development (CPD) welcomes the opportunity to make a submission to the National Disability Insurance Agency (NDIA), in response to the *Consultation paper on the Access and Eligibility Policy with independent assessments*.

The consultation paper sets out a new access process for people with disability (age 7-65) who apply to join the National Disability Insurance Scheme (NDIS). This new process introduces independent assessments, whereby the functional capacity and environment of an eligible NDIS applicant is proposed to be independently assessed using standardised assessment tools by qualified health care professionals, starting in mid-2021. The information gathered from an independent assessment will be used to inform the access decisions and, if eligible for the scheme, a person's plan budgets. The NDIA's website states there has been an open tender process to identify organisations which will employ independent assessors.

The consultation paper suggests independent assessments aim to provide consistency in the quality of information on a person's functional capacity and environment to enable accurate, timely and fairer decision making processes than those currently in place. Independent assessments also aim to reduce the time and cost it takes for people with disability to gather adequate evidence about the impact of their disability from health professionals. The scale of proposed reform is significant, particularly one scheduled to take effect during a global pandemic. As reported in November 2020, the NDIS was supporting 412,500 people with disability, with 78,000 participants joining in 2020. Some 21,961 joined in Q1 2020-21.

CPD is concerned about the reform proposed in two respects. The first goes to the specific independent assessment process set out by the consultation paper. Our reservations are that independent assessments may not be of sufficient length to determine a person's eligibility and may not allow for an adequate understanding of the individual needs of people with disability. The process may have the effect of eroding the power and agency of people with disability, contrary to the founding mission of the NDIS, and unintentionally reduce the number of people who would benefit. The appeal process outlined is particularly limited, making independent assessments themselves effectively unreviewable without an exhaustive administrative process culminating in an application to the Administrative Appeals Tribunal (AAT).

Our second concern goes to the broader trajectory of the NDIS given the history of outsourcing critical areas of service delivery across the Commonwealth. CPD has an ongoing interest in the effective delivery of human and social services through our Effective Government program, with a focus on Australians facing barriers to social and economic participation. CPD has long advocated for governments to play an active and collaborative role in service delivery in order to secure the best outcomes for people facing disadvantage. Many of the institutions previously responsible for service delivery have disappeared in the face of outsourcing of delivery to the private sector and not for profits. This has come at great cost to the country, particularly in aged care, employment services and vocational education, while quality and effectiveness has declined. Our attitudes research suggests Australians strongly favour a different approach.

The *Expert Advisory Panel Review of Employment Services*, led by Sandra McPhee AM, foreshadows what might become of a fully outsourced approach to determining who should access the NDIS and the scale of that support. The fully outsourcing *jobactive* system was “geared towards throughput and volume”, with consultants experiencing high caseloads and turnover. We caution against a similar trajectory for the NDIS, particularly for what is perhaps the most important part of the scheme’s operation: assessment and activation of suitable supports for Australians with disability. This is precisely an area in which government can grow capability and experience, utilising other federal, state and local agencies as appropriate. It is not an area to wholly delegate via tender to an external provider, which may ultimately rely on public and allied health professionals in making assessments, particularly when that external process may erode the agency and limit the appeal rights of individuals seeking to access the scheme in the first place.

We have written previously about how insufficient attention appears to have been given during the growth and pricing of outsourced services to:

- Joined up responses (such as in education, employment and care);
- Cost-benefit comparison of public provision; and
- Culturally-sensitive capability, service delivery experience and incentives to ensure decision-makers act in the best interests of the client.

An exclusive reliance on tendering for any independent assessment process will be that incentives are inevitably skewed toward producing the lowest price without due regard to results and the most difficult to assess candidates. An alternative approach would be assessment of candidates for the scheme by trained and accredited professionals (doctors, nurse practitioners) followed by a review by specialist professionals employed by government through the health department. This would be similar to previous systems for approving expensive pharmaceuticals. In times past the health department employed doctors who did this work and they evaluated patient assessments before approving access to the pharmaceutical.

Please contact us if you have any questions or would like to discuss any of the matters raised by this submission.

Sincerely,



Travers McLeod
Chief Executive Officer



Terry Moran AC
Chair