



**Submission to the NDIS  
consultation on Home and Living**

**September 2021**

## About Enliven Community

### **Enliven Community is a not-for-profit educator, communicator, and collaborator.**

Enliven Community's mission is to change the way people with disability think about their housing options. We provide independent housing advice to support independent and informed choices – so people with disability are informed consumers when it comes to their housing options.

We know that giving people information to make informed choices achieves better outcomes than just telling someone how to find a house – people will be able to choose the housing that best meets their goals and lifestyle choices.

#### **Our Vision**

We believe the housing pathways for people with disability should allow the same choices and control; the same opportunities for social connection, skills development and financial benefit as enjoyed by the broader community.

We do this by providing, resources to people with disability and their carers, guardians, advocates, planners and support networks to understand their needs and identify approaches that will ensure that their pathway [or journey] is consistent with broader community standards, and their outcomes reflect their needs and wants.

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## Recommendations

### 1 The Agency continues to deliver on the commitment made by the Australian Government to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Which states, in part, Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

#### Comment:

The rising need for people with disability, who are eligible for Specialist Disability Accommodation, to argue for their right to live alone is not in keeping with this commitment.

In Comparison, the State and Territory Governments, when providing subsidised social housing outcomes do not require the person to show cause as to why they will not share a house with some other person who also happens to be on a low to moderate income.

Social Housing Providers do not pressure their client group to share housing to save the Social Housing Provider money and contribute to the organisation's financial viability.

They also do not require or suggest, participants co-fund the housing subsidy paid to the Social Housing Provider, beyond the reasonable rent contribution.

They also do not require the tenant to negotiate with the Housing Provider for the Housing Provider to accept a lesser subsidy from the Government, to contribute to scheme viability.

Housing assistance is assessed on need, with eligibility based on a clear criterion, known, and understood by all stakeholders.

- The Agency should apply clarity and consistency in their application of the legislation
- The Agency should approach the provision of SDA assistance in a way that considers the approach of its nearest comparable service – the Social Housing Sector and look for opportunities to incorporate how this system operates, considering, that policies to support Housing for people with disability need to accommodate and be responsive to the needs of people with disability.
- The Agency ought to recognise that living alone is a reasonable and necessary housing arrangements for most people when they have not identified a person with whom they wish to share their home.

- The Agency should recognise that sharing support does not necessarily equate with sharing housing

## **2 The Agency Properly Fund the Following Activities:**

- The tenancy management component of SDA provision – sustaining tenancies for people with disability can be complex and time consuming, more so if the person is living in shared housing. Stakeholder meetings are time consuming to arrange and the outcomes, especially if they require working closely with the Agency are cost intensive.
- If the Agency is requiring shared housing – the Agency properly fund the management and coordination of the actions that are required to find suitable flat mates. Ideally this function be a third-party organisation with no conflict of interest as either the housing provider or the on-site support provider
- Third parties to independently support the governance of shared support arrangements – assisting tenants to negotiate with the shared support provider from an informed consumer perspective
- The Agency genuinely separates the functions of support provision and housing provision – in both SIL and SDA arrangements
- Specialist Home and Living support coordinators, with both a deep knowledge of the Agency processes and the range of Home and Living Options available.

## **3 Reforming the Funding Model**

“...greater choice and control in how you design a home and living solution, within your means, through the combination of personal finances and your NDIS budget.

The new approach to planning will make budget setting more consistent, fair and transparent..

You will be able to use your NDIS budget (alongside your personal finances) to get the supports you want, when you need them.”<sup>i</sup>

### **Comment:**

It is unclear as to when the Agency began a conversation around how people elect to use their personal finances or how a person’s income came into a conversation about Agency funded supports. Clearly people with personal finances and income in excess of the disability Support Pension have long been aware how they can use their finances to support their lifestyle – it does not need to be explicitly stated in a funding model.

Unfortunately, most people are reliant on the disability support pension and to suggest that the Agency will be asking them to contribute additional funds to their NDIS supports is confusing and concerning.

- The Agency clarify why personal income is being explicitly referred to in relation to Agency funded supports.

## **4 The Existence of SIL Homes**

### **Comment**

We are using this term to describe housing arrangements where an Agency provider acts as the property / tenancy manager and as the onsite Support provider. Most often funded by the submission of a roster of care from the support provider. This is presented as being an affordable option for participants not eligible/ not willing to apply for SDA and/or not able to access private rental, purchase or social housing.

- The Agency needs to understand the impact of the rise of the SIL House and how this is having a negative impact on the home and living arrangements of a significant number of people who are receiving Agency funding.
- The Agency defines exactly what is a SIL House, who is eligible to live in one and why they are not eligible for SDA.
- If a SIL House is recognised as a desirable part of the Agency, and the occupants are among the 94% of people with disability NOT eligible for SDA (and this is proven to be correct, not just because SDA is too hard to access),
- the Agency explores how they can financially support this arrangement in a way that makes this option commensurate with that of the broader community.
- The Agency explores how better regulates shared housing for people with disability, that are choosing to live together for companionship, personal financial reasons or shared support benefits
- That the Agency commits to stop enabling the continued existence of SIL and SDA Group homes, where support and tenancy are provided by the one provider or a close connection of that provider.
- The Agency identifies a working group of housing providers including SDA providers and Community Housing Providers to address the issue and to identify ways to transition from this arrangement. Ideally methods that are not limited to just declaring a conflict of interest or establishing a business wall to internally separate the roles.
- That the Agency commits to ensuring participants currently living in SIL properties be assessed for SDA eligibility as a priority. Too many Agency participants are being forced to live in SIL arrangements because the SDA eligibility and funding processes are lengthy, time consuming and unpredictable. It is easier to move to a SIL home than to pursue SDA under current assessment processes.
- If a participant is living in a SIL home, they are supported to make informed decisions about alternative housing options, or ways in which they as tenants, can become the primary decision makers in that arrangement.
- Consider taking a publicly articulated position on the newly emerging housing option of an 8 or more person Boarding house for people with disability

## **5 Clarity around Agency Processes**

- Find better processes for working with the sector to identify, explore and address systemic issues. This requires more regular and inclusive contact with the provider

sector, potentially in a less formal way, to address concerns holistically rather than on an individual provider basis.

- Acknowledge the interconnectivity of Support and Housing, provide a framework that enables decisions that address all aspects of a person's home and living arrangements in a timely manner
- Separate out eligibility for SDA assistance from the type of SDA funding a person will receive. SDA should be for life; the amount and type may vary depending on the home and living option the participant is interested in exploring
- Publish your costing assumptions so organisations can work through the same process to show the results for their housing and support options
- Provide consistency of process across all States and Territories
- Work with the sector to address issues sooner rather than later – don't use funding outcomes as a way of sending market signals – it's too late, too confusing and destabilises the market
- Work with the Sector to understand the hidden (unfunded) costs of Agency initiatives
- Don't use the review and appeals process as a means of slowing down the market, or as a means of artificially sending demand and supply signals.
- Address the issue of who is/ should be eligible for "Improved Liveability" SDA funding. It appears that people with a psycho-social or intellectual disability are not clear on their eligibility for SDA funding and even less so on their right to live alone. This is probably one of the most economic SDA options, well suited to co-located apartment models and yet it is the most difficult vacancy to fill. If there were greater certainty about the approval process for people with IL funding the supply of IL enrolled apartments would increase. The benefits of being able to safely house people with Acquired Brain Injuries, Psycho social disability and intellectual disability in an apartment of their own, sharing support, without the complexity of sharing personal space, would be significant.

## **6 Shared Housing**

- The Agency provides better direction on what is "good" shared housing, especially when it comes to vacancy management. Providing a minimum expectation on the role of the tenant and/or their families is an essential component of this work
- The Agency facilitates shared housing / shared support arrangements by providing a dedicated service team to assess the plan reviews, in a synchronised manner to support all outcomes to be determined at the same time to ensure
- the financial viability of the arrangement for participant and provider.
- to enable participants and providers to plan for a start date with confidence.
- to ensure a safe, timely, stress-free transition for all members of the shared arrangement
- The Agency support ILC funding applications that are focussed on strengthening participants understanding of their rights in shared housing, with a focus on how to create and maintain tenant-controlled governance models in shared housing regardless of who provides what support
- The Agency should consider supporting the exploration and evaluation of sector developed models that encourage shared support not shared housing.
- The Agency should strengthen the tenant-controlled governance aspect of shared support arrangements.

- The Agency give consideration to how they can support State and Territory Governments to facilitate people with disability living in legacy or basic SDA accommodation to move to new build SDA properties, as per the original intent.
- The Agency give consideration to how they can work with State and Territory Governments to use this now vacant legacy or basic accommodation to facilitate “good” shared housing arrangement for people with disability, who want to share and who are not eligible for SDA funding.
- The Agency support a pilot program to facilitate an independent, socially healthy, rights based, Find A Flat Mate process that can be rolled out Nationally – to protect the rights and interests of all people with disability sharing accommodation, needing to find a new flatmate.

## **7 Innovation**

- The Agency acknowledges that uncertainty is a barrier to innovation, uncertainty increases risk, and encourages providers to follow pathways rather than explore new terrain. If you want to encourage innovation, you need to provide a stable base for innovators to spring forward from.

**Our response to your ideas of what could change – nearly all of your suggestions are worthwhile, but our top 10 are:**

#### **Changing the conversation**

1. Offer training and coaching to all LAC and NDIA Planners.
2. Update Operational Guidelines with simple and consistent ways to describe supports.

#### **Supporting you to be an informed and empowered consumer**

3. When a person leaves a group home environment, provide independent support to remaining people in the house to look at other living arrangements, where this is their choice.

#### **Expanding support for decision making**

4. Work with the NDIS Quality and Safeguards Commission to be clear about when it is not appropriate for providers of support coordination or SIL to be the provider of other funded supports in a participant's plan.

#### **Reforming the funding model**

5. Target participants in traditional housing models (large group homes, aged care and closed setting SIL homes) to explore and design other options, where that is their choice.

#### **Improving choice and control through flexible budgets**

6. Complete research to inform and promote best practice and cost effective home and living supports backed by evidence and data.

#### **Assisting implementation and maintenance**

7. Professional development, ongoing education and training on home and living supports for planners, LACs, Partners, Community Connectors and others in the community who engage with participants regularly.

#### **Engaging the market and driving innovation**

8. Develop ways the Agency could use policy and pricing as a way to drive the market. For example expand density restrictions from SDA to other accommodation models, or pricing incentives for support options that provide an alternative to SIL.
9. Promote the sharing of examples and success stories through provider communities of practice around home and living innovations.
10. Consider options for how the NDIA could highlight innovations through formal recognition channels, such as showcases or awards.

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<sup>1</sup> NDIS National Disability Insurance Scheme: Consultation Paper: An Ordinary Life at Home June 2021 | ndis.gov.au