WA Department of Communities’ Response to the National Disability Insurance Scheme Consultation Paper:

An Ordinary Life at Home

The Western Australian (WA) Department of Communities (Communities) thanks the National Disability Insurance Agency (NDIA) for publishing the ‘An Ordinary Life at Home’ consultation paper (the consultation paper) and for the opportunity to provide feedback. Noting the consultation questions are aimed specifically at NDIS participants, Communities is responding generally, and without prejudice to the consultation paper and does not indicate implied support for the personalised budget model.

Communities is supportive of the NDIA’s intent to move away from the historical prevalence of ‘group home’ accommodation to offering a range of contemporary options. This intent aligns with the Joint Standing Committee on the NDIS 2020 recommendation that the NDIA review its existing policies and procedures, to ensure that participants needing assistance with daily living are given genuine choice about accessing supports in a shared or individual living arrangement1.

The issues raised in this consultation paper, which will inform the development of a future policy framework for the provision of high quality options in housing and support, are well-aligned with the Independent Advisory Council to the NDIS’ 2019 report ‘Challenges in Housing and Support under the NDIS’. For example, the value in separating housing and support; challenges in Supported Independent Living (SIL) and the lack of widespread availability of contemporary living options, effective support for decision making and specialisation and independence in Support Coordination2.

Communities notes the feedback from this consultation process will also inform the development of the policy framework and welcomes further information on the timeline and process for further consultation activities.

# Policy intent

Communities supports a better alignment with the principles and intent of the NDIS, including improved choice and control for participants. NDIS participants should have choice and control about where they live, with whom and the model of support.

1 JSC on the NDIS Report into Supported Independent Living, 2020

2 ‘Challenges in housing and support under the NDIS, Independent Advisory Council to the NDIS, 2019

Communities agrees with the consultation paper’s recommendation for more capacity building supports and better information provision, including the expansion of funded supports to more participants to explore home and living goals. Forward planning to support life stage changes is crucial, such as for young people leaving the family home or people in SIL transitioning to other living arrangements.

Support for decision-making is also key to achieving the policy intent of the proposed improvements. Communities strongly supports the NDIA’s supported decision- making policy framework, to ensure participants are actively involved and supported to make decisions about their home and living arrangements.

# Scope of current home and living options in the paper

There is very little information in the consultation paper to demonstrate the range of home and living options available. Supports such as assistive technology and home modification, Specialist Disability Accommodation (SDA), and Short Term and Medium Term Accommodation are referred to but not explored in detail. These supports can have a significant impact for NDIS participants’ choices, access to streamlined service transitions and long-term quality of life. Lack of access to these supports often contributes to negative outcomes such as hospital discharge delays.

Additionally, many participants in SIL are also funded for SDA. Communities seeks further clarity on the policy direction for SDA, given that many participants in the SIL cohort will be eligible for SDA, which has the potential to reduce other support costs and increase independence, choice and control.

# The NDIA’s market stewardship role

Communities recommends better articulation of the NDIA’s role in steering the NDIS service delivery market away from congregate living. The NDIA is responsible for stewarding and developing the NDIS market, including in the NDIS home and living space. However, to date, the NDIA has not intervened in the market to a sufficient extent. Much of the focus of the paper is on transforming the SIL market. The NDIA’s stewardship role is acknowledged but not laid out explicitly (such as a roadmap for transition), noting that the policy development is at an early stage.

# Independent Living Options (ILO)

Western Australia has a history of developing and investing in independent living approaches and resources. For example, the WA Government has funded projects such as ‘My Life, Your Life, Our Life Guide for Flat-mates, Homesharers & Co- Residents’ which provides options and considerations to maximise outcomes and minimise risks when developing and managing Creating Home arrangements. The guide can be found at [waindividualisedservices.org.au/wp-](https://waindividualisedservices.org.au/wp-content/uploads/2020/04/My-Life-Your-Life-Our-Life-Creating-Home.pdf) [content/uploads/2020/04/My-Life-Your-Life-Our-Life-Creating-Home.pdf](https://waindividualisedservices.org.au/wp-content/uploads/2020/04/My-Life-Your-Life-Our-Life-Creating-Home.pdf).

Communities recommends that in developing resources and information for participants, the NDIA consults with the peak bodies and other organisations with expertise in these areas.

Communities supports capacity building and robust safeguarding to protect participants entering into ILO arrangements, along with the development and implementation of the Support for Decision Making policy.

# Developing a Policy Framework

The Commonwealth Government has previously indicated that it would develop an overarching home and living policy and consult on both SIL and the wider policy.

The Home and Living Policy Framework must include:

* clear roles and expectations relating to informal supports, system responsibilities and NDIS legislation, including reasonable and necessary funded supports;
* mechanisms for forward planning to support participants currently in SIL to incrementally build capacity to move to other living arrangements;
* explanation of how ILO and SDA will interface;

Any changes to SIL should be considered in the context of the broader home and living policy framework to ensure consistency and linkages to new options for the current SIL cohort.

In developing the operational elements of the policy framework, the influence of the SDA market, and the broader mainstream housing market must be considered. For

example, the scarcity of affordable and accessible housing, income disadvantage and SDA thin markets (particularly in the Robust SDA design category) may restrict availability of home and living options.

The current SDA cohort in WA is predominantly the group home cohort,

‘grandfathered’ into SDA without an individual assessment against the SDA design categories. Limited progress by the NDIA in assisting participants to access individual assessments is inhibiting the market’s confidence to develop new SDA dwellings and restricting participant choice and control.

Additionally, the COVID-19 pandemic, and actions taken to mitigate its impact, have exacerbated issues in the general housing market. Accessing housing that is affordable and appropriate is a challenge for many people, including people with disability.

Communities also notes “participants are expected to pursue home and living goals as part of an ‘ordinary life’ using funding available in their plan budget and own personal finances.” It is important that the policy framework and operational guidance is clear and supports consistent interpretation of the boundary between reasonable and necessary funding and people using their own money towards home and living preferences. This should include further consultation with stakeholders regarding any co-payment arrangements in future.

There is also an assumption regarding the expected one-off nature of investments due to anticipated capital returns. This assumption is not evidence and generalises the individual needs and experience of people with disability and expected market responses.

Scheme sustainability is a theme mentioned several times in the consultation paper. While Communities welcomes discussion on scheme sustainability as part of the NDIS governance process, in the context of a public consultation paper on participant supports this theme raises concerns. Governments, not participants or providers, are responsible for policy levers and governance for scheme-level financial sustainability and the NDIS funding envelope. Any change to what is considered reasonable and necessary must be enacted in legislation and not by proxy through operational guidance.

The public consultation paper assumes a flexible budget model which has not yet been implemented or agreed. The treatment of ‘reasonable and necessary’ in arriving at a plan budget has also not been decided, nor enacted in legislation.

Communities is providing this submission without prejudice, noting that recently proposed changes to plan budgets have been highly contentious and it may be some time before reforms are revisited. NDIS participants should have choice and control about their living arrangements, irrespective of the approach used to develop a plan budget.

It is recommended that the next step in the consultation process include the release of a timeframe and key activities, including how stakeholders will be informed and engaged in policy development.