



NSW Legislative Council

**Portfolio Committee No. 2 – Health and Community Services
Answer to Supplementary Questions**

**Implementation of the National Disability Insurance Scheme and the Provision of
Disability Services in New South Wales**

Reference No: SQ18-000220

STAFFING

Hearing: Supplementary Question

Question:

You spoke about the additional 760 staff that will be recruited:

- a) Can you provide a breakdown of the type of roles they will be undertaking?
- b) How many of these will be planners?
- c) How many of these staff will be in NSW?

Answer:

Of the 750 additional staff the majority will be planners and approximately 200 will be based in New South Wales.



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**Portfolio Committee No. 2 – Health and Community Services
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**Implementation of the National Disability Insurance Scheme and the Provision of
Disability Services in New South Wales**

Reference No: SQ18-000221

MAINTAINING CRITICAL SUPPORTS

Hearing: Supplementary Question

Question:

The NSW Government spoke about your recent contracting to nine services to provide what is colloquially known as “a provider of last resort”. They listed the nine services.

- a) How are these services being allocated across NSW? i.e. are they on a geographic basis? Are they on a needs-basis?
- b) What work is being undertaken to raise awareness of this initiative?

The lack of a provider of last resort was raised consistently with the committee, including by most peak organisations, unions, organisations representing professionals and advocacy organisations, and not one spoke about this recent announcement.

Answer:

The NDIA believes the New South Wales (NSW) Government may have been referring to one element of ‘Maintaining Critical Supports’, an interim after-hours crisis response capability. There are five providers in NSW. These providers collectively provide a state wide service on an as-needs basis.

Further details on Maintaining Critical Supports are provided in Question on Notice response SQ18-000224.



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Reference No: SQ18-000222

TRAINING FOR PLANNERS

Hearing: Supplementary Question

Question:

How much training is a planner required to have?

Answer:

All planners are required to undertake a six week induction program consisting of 21 modules upon commencement, and prior to doing any planning work. Modules include:

- disability awareness;
- in-kind;
- housing;
- NDIA business system (CRM); and
- mandatory learning (workplace health and safety, fraud awareness, security awareness, information handling, and Australian Public Service values).

Planners further undertake development as required based on changes to the legislation or requirement of the role.



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Reference No: SQ18-000223

PLANNERS

Hearing: Supplementary Question

Question:

How much time are planners supposed to have with each individual in formulating their plan?

Answer:

There is no set time a planner will have with an individual. National Disability Insurance Scheme plans are developed in the time it takes to make a reasonable and necessary decision.



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Reference No: SQ18-000224

MAINTAINING CRITICAL SUPPORTS

Hearing: Supplementary Question

Question:

In the Government's evidence on 2 October 2018 (page 76), Mr Michael Coutts-Trotter, Secretary, NSW Family and Community Services, referred to a 'critical supports function' that has been established within the NDIA to respond to crisis situations, or what some witnesses have termed 'a provider of last resort'. Please outline this 'critical supports function' and how it operates, including:

- a) when the function was established
- b) if any service providers have been contracted to perform this function and who these service providers are
- c) how this function can be activated, including the mechanisms in place to escalate matters of urgency
- d) how NDIS participants are being made aware of this function.

Answer:

The traditional concept of 'provider of last resort' does not naturally fit with the new model of choice and control in the National Disability Insurance Scheme (NDIS). Instead, the National Disability Insurance Agency (NDIA) has established a number of initiatives around empowering participants, building capability in the market and improving NDIA processes to ensure participants can access supports critical to their wellbeing. Collectively these are referred to as 'Maintaining Critical Supports'.

Some of the key initiatives include:

- implementation of critical service issues response mechanisms – this involves dedicated resources and nominated points of contact to work collaboratively with the participant, state and territory officials and service providers to find solutions, with bilateral processes currently being finalised;
- improvement of the participant pathway to build the capability of participants and their families to diversify and strengthen support solutions, enhance plan implementation strategies and create greater flexibility in the use of approved funds;
- after-hours crisis response mechanisms being trialled in those jurisdictions where the state government is no longer providing specialist disability services following the transition to full scheme (New South Wales and South Australia) – this is currently in place and a review to be done in January 2019 to assess demand and effectiveness;

- preparation of documentation to go to the market to secure guaranteed supports and market development to meet the needs of participants with exceptionally complex support needs; and
- development of the Market Enablement Framework to guide NDIA actions to monitor and build the market to respond to the needs of people with disability.

The NDIA understands Mr Coutts-Trotter was referring to the interim after-hours crisis arrangements in his evidence.

The after-hours crisis support function was established in July 2018 and consists of a phone service to liaise with emergency services and a number of providers of short-term specialist disability services who have been retained to ensure they are available to provide supports if required.

The service is activated by a member of the New South Wales health or emergency services contacting the phone service. The NDIA representative and the caller will then work together to find the best solution for the NDIS participant including, if needed, sourcing a provider of emergency accommodation or personal care supports.

The service is available to emergency and health services in NSW rather than directly to participants. This recognises the primacy of the role emergency and health services play in crises and that the majority of individual critical need will be addressed through the participant utilising the funds in their existing plan



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Reference No: SQ18-000225

ELIGIBILITY

Hearing: Supplementary Question

Question:

Acknowledging the range of disabilities in the wider community, how is it determined, in the most basic terms, who qualifies for the NDIS and who does not? What is the eligibility criteria for the NDIS?

- a) How did the NDIA determine this criteria?
- b) How does the NDIA definition of 'disability' differ from definitions of 'disability' used by other agencies, such as the Australian Bureau of Statistics?

Answer:

The *National Disability Insurance Scheme Act 2013* (the NDIS Act) stipulates the eligibility criteria for persons wanting to access the National Disability Insurance Scheme (NDIS). In order to meet the NDIS eligibility criteria, persons must either be an Australian citizen, permanent resident or protected special category visa holder; and be under the age of 65 at the time of application; and meet the disability or early intervention requirements. The disability requirements state that a person must have a permanent impairment, which results in them having a substantially reduced capacity to undertake activities of daily living, including communication, social interaction, learning, mobility, self-care and self-management.

- a) The Productivity Commission's Inquiry Report considered criteria for eligibility as part of its review of disability care and support in 2011. The criteria were based on replacing the existing system for the eligible population and providing long term essential care and support for people with severe or profound disability on an entitlement basis. The NDIS design reflects the Productivity Commission's recommendations that a person needs to have acquired their disability before the age of 65 and have a significant and permanent disability in order to be an NDIS participant. The NDIS is based on an insurance model that provides a lifetime of care, and the eligibility criteria ensures the sustainability of the NDIS.
- b) The Australian Bureau of Statistics' (along with other statistical bodies) definition of disability lies not in whether a person has a condition or not, but in whether that condition restricts their daily living. The Survey of Disability, Ageing and Carers (SDAC) defines disability as any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least six months. The SDAC describes disability in four levels of severity, profound, severe, moderate and mild.

This definition closely aligns with the definition used by the National Disability Insurance Agency (NDIA) in that the disability must be attributable to intellectual, cognitive, neurological, sensory or physical; the impairments(s) are likely to be permanent; and the person's capacity for social and economic participation is significantly impacted.