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Submission to the Joint Standing Committee
on the National Disability Insurance Scheme:
Inquiry into the NDIS Quality and Safeguards
Commission

July 2020

President: Mick Reid

We would like to thank the Joint Standing Committee on the National Disability Insurance Scheme for the opportunity to provide input into the Inquiry into the National Disability Insurance Scheme Quality and Safeguards Commission.

MIFA is a federation of not-for-profit mental health organisations who each year deliver specialist services to over 20,000 people with mental illness and their friends and families. We work closely with people to assist their journeys to recover mental health, physical health, social connectedness and equal opportunities in all aspects of life. Our members build community, value peer support and lived experience, and support recovery. With over 55% of our workforce having a lived experience as a consumer or carer, we know from experience that a better quality of life is possible for everyone affected by mental illness.

MIFA wants to work with the NDIA and the NDIS Quality and Safeguards Commission to ensure that NDIS participants with psychosocial disability experience quality care, better outcomes, enhanced choice and control, and recovery-oriented psychosocial supports.

Monitoring, investigation and enforcement powers available to the Commission

MIFA believes that the Commission's powers enable the Commission to have a role across the broad reforms in mental health which have an impact on the health, safety and wellbeing of people with a psychosocial disability. MIFA urges the Joint Standing Committee on the NDIS to recommend that the Commission take a proactive role in assessing the impact of mental health reforms across all domains affecting the health, safety and wellbeing of people with a psychosocial disability.

This is in accordance with the Commission's core functions:

- *to uphold the rights of, and promote the health, safety and wellbeing of, people with disability receiving supports or services, including those received under the National Disability Insurance Scheme; and*
- *to provide advice or recommendations to the Agency or the Board in relation to the performance of the Agency's functions.*

There are significant reforms underway to improve the experience of people with psychosocial disability engaging with the NDIS, which have an impact on the health, safety and wellbeing of individuals engaging with the NDIS. These include implementation of recommendations from the Tune Review of the NDIS Act and the new NDIS Participant Service Guarantee, investigation into the impact of NDIS market settings on participants with a psychosocial disability, implementation of the NDIA Psychosocial Disability Capability Framework, continued development and implementation of the Psychosocial Disability Stream, and implementation of a new Psychosocial Recovery Coach support item and Recovery Framework.

The NDIS Quality and Safeguards Commission has a unique opportunity to contribute to this developing policy environment, by providing a national governance perspective and accountability for the *impact on quality outcomes* of individuals' health, safety and wellbeing.

We recommend that the Joint Standing Committee on the NDIS:

1. Explore the possibility of the Commissioner providing advice and guidance to the NDIA about the importance of, and impact on, quality and safety considerations for participants with psychosocial disability resulting from policy reforms and the ongoing design of the NDIS for people with psychosocial disability.
2. Establish a mechanism for the NDIS Quality and Safeguards Commission to consult on quality and safety matters that relate to the Annual Price Guide Review, the introduction of new support items and the introduction of new support frameworks, such as the Recovery Framework and the Recovery Coach line item.

Responding to concerns, complaints and reportable incidents

MIFA has received positive feedback from our Member organisations about the effectiveness of the Commission in responding to concerns and complaints made by NDIS participants with psychosocial disability. MIFA has received the following specific feedback about the Commission's responses:

- One MIFA Member organisation found that the Commission responded positively to the organisation as an NDIS service provider during a complaint process initiated by an NDIS participant. The staff involved in the complaints process found that the Commission sought to understand the different perspectives of staff and the circumstances surrounding the complaint. Commission staff were polite and courteous. This resulted in productive and responsive engagement between the Commission and the organisation.
- The same MIFA Member organisation found that the Commission was efficient and informative. The Commission provided timely information about next steps in the complaints process and advice about when the organisation could expect to hear back from the Commission. This provided certainty and clarity about the complaints process.

Whilst we have not received specific feedback from NDIS participants about the Commission's effectiveness in this area, MIFA is hopeful that this understanding, courteous and engaging approach demonstrated by Commission staff with NDIS service providers extends to the Commission's interactions with NDIS participants.

MIFA has also received feedback from our Member organisations about the length of time taken to resolve concerns and complaints. The experience of MIFA Member organisations has been varied, depending on the nature and severity of the complaint.

- One MIFA Member organisation found that an injury-related complaint was resolved swiftly and required approximately 10 hours of senior management time to work through.
- Another MIFA Member organisation experienced a lengthy complaints process with the Commission following a complaint by an NDIS participant who was experiencing psychological distress and symptoms of psychosis. This complaint required approximately 36 hours of senior management time to resolve, which placed a significant strain on the organisation's resources.

The latter complaint highlights the complex nature of working with NDIS participants with psychosocial disability to resolve concerns/complaints when individuals are unwell or experiencing symptoms of complex and severe mental illness. Additional organisational resources are required to respond effectively and compassionately to participants in these circumstances to ensure concerns/complaints are managed appropriately. We note that the hours required to respond to complaints made to the Commission is unfunded by the NDIS. Depending on the nature of the complaint, this can place a significant financial burden on NDIS service providers.

Adequacy and effectiveness of the NDIS Code of Conduct and the NDIS Practice Standards

MIFA Member organisations have advised that the NDIS Practice Standards do not refer to the responsibilities of NDIS service providers in providing supports for complex mental health needs for High Intensity Daily Personal Activities. This module of the NDIS Practice Standards refers only to considerations for physical health conditions, such as responsibilities for providing complex bowel care, enteral feeding and management, and tracheostomy management.

Our Member organisations have indicated that the quality indicators of the Registration Group 0104 do not apply to psychosocial disability and do not extend to complex mental health needs/supports. MIFA believes it is appropriate for quality indicators to apply to the provision of high intensity daily personal activities for complex mental health and psychosocial disability needs. This requires recognition in the NDIS Practice Standards. MIFA and our Member organisations can provide further input on this issue if required.

We recommend that the Joint Standing Committee on the NDIS:

3. Explore the possibility of adding quality indicators for complex psychosocial disability supports to the NDIS Practice Standards High Intensity Daily Personal Activities Module.

We thank the Joint Standing Committee on the National Disability Insurance Scheme for the opportunity to contribute to this Inquiry. We look forward to working with the NDIA and the NDIS Quality and Safeguards Commission further upon the release of the Joint Standing Committee's Final Report.

Summary of Recommendations to the Joint Standing Committee on the NDIS

We recommend that the Joint Standing Committee on the NDIS:

1. Explore the possibility of the Commissioner providing advice and guidance to the NDIA about the importance of, and impact on, quality and safety considerations for participants with psychosocial disability resulting from policy reforms and the ongoing design of the NDIS for people with psychosocial disability.
2. Establish a mechanism for the NDIS Quality and Safeguards Commission to consult on quality and safety matters that relate to the Annual Price Guide Review, the introduction of new support items and the introduction of new support frameworks, such as the Recovery Framework and the Recovery Coach line item.
3. Explore the possibility of adding quality indicators for complex psychosocial disability supports to the NDIS Practice Standards High Intensity Daily Personal Activities Module.

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Disclaimer

This submission represents the position of MIFA. The views of MIFA members may vary.