

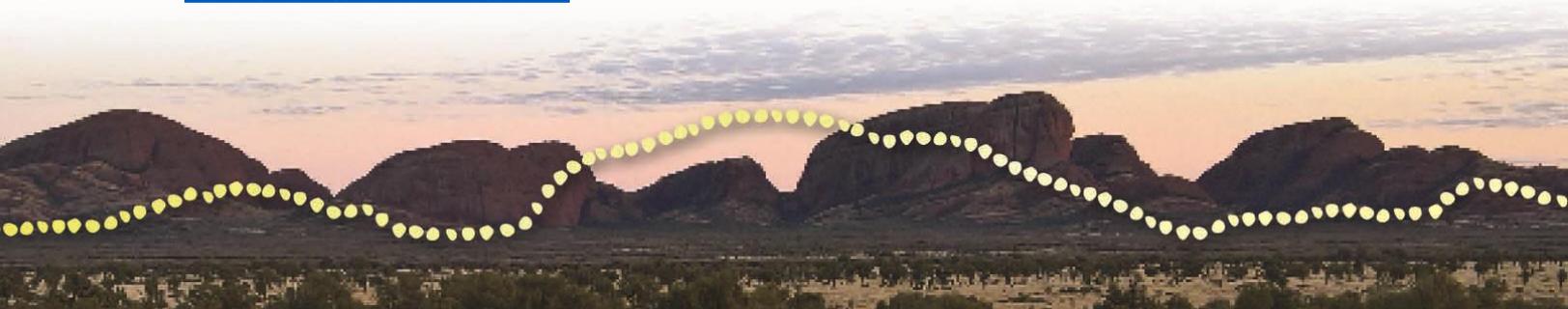


Northern Territory Office of the Public Guardian Submission to the National Disability Insurance Agency

SUPPORT COORDINATION DISCUSSION PAPER

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Introduction

The Northern Territory Office of the Public Guardian welcomes the opportunity to provide a submission to the National Disability Insurance Agency (NDIA) on the issues outlined in the Support Coordination Discussion Paper (the discussion paper).

The Office of the Public Guardian was established under the *Guardianship of Adults Act 2016*, which provides for the statutory appointment of an independent Public Guardian. The core functions of the Public Guardian are set out in section 61 of the *Guardianship of Adults Act 2016*, and include, but are not limited to:

- being a guardian for an adult when appointed by a guardianship order or acting under section 44 or 45;
- promoting access to support services for adults with impaired decision-making capacity and the guardians, families and carers of those adults;
- encouraging providers of support services to monitor and review the delivery of those services; and
- advocate for adults with impaired decision-making capacity generally, including by promoting understanding and awareness of relevant issues.

There are currently 1,000 persons under a guardianship order in the Northern Territory. The Office of the Public Guardian teams are located in Darwin and Alice Springs and are responsible for providing guardianship services to approximately 580 of these persons. Compared to other jurisdictions, the Northern Territory has the lowest number of persons under guardianship orders, however, has the highest percentage of the population under guardianship.

The Northern Territory context

While most Territorians live in regional centres, a significant number live in remote and very remote areas. For Aboriginal¹ people, who make up 30 percent of the Northern Territory population,² almost 77 percent live in remote or very remote areas³.

The Northern Territory's situation is unique and poses challenges for service delivery to a small population spread across vast distances. The sparse population, harsh climate and rough terrain mean health and other supports and services in many parts of the Territory are limited. The Northern Territory's transient population impacts the retention of the skilled workforce as capable individuals have many alternate options elsewhere in Australia. The high cost of living in the Northern Territory is an additional challenge for those in the low socio-economic circumstances.

¹ The term Aboriginal is used in this document to refer to all people of Aboriginal and Torres Strait Islander descent who are living in the Northern Territory. The use of this term reflects the wishes of Aboriginal people in the Northern Territory. Department of the Attorney-General and Justice (2019). *Draft Northern Territory Aboriginal Justice Agreement 2019-2025*.

² Department of Treasury and Finance (NT), Population - Northern Territory Economy: Aboriginal Population (2018) <<https://nteconomy.nt.gov.au/population>>.

³ Department of Treasury and Finance (NT), Population - Northern Territory Economy: Background (2018) <<https://nteconomy.nt.gov.au/population>>.

The Northern Territory population is comprised of many culturally and linguistically diverse groups. Approximately 78 percent of people involved with the Office of the Public Guardian identify as Aboriginal. Many speak English as a second or third language with a significant number living in remote communities. The Office of the Public Guardian has observed a disconnect from country and culture, with a high level of represented persons that identify as Aboriginal experiencing significant difficulties in receiving appropriate support services, including NDIS funded supports, in remote communities.

The NDIS in the Northern Territory

Transition to full NDIS arrangements was completed in the Northern Territory on 1 July 2019. The 14 months of full NDIS arrangements has seen significant change for all stakeholders in the Northern Territory and many challenges including thin markets and work force development continue to demand strategic and coordinated approaches to ensure participants can purchase required supports through NDIS funding.

The Office of the Public Guardian acknowledges the NDIA's efforts to develop specific approaches that take into account the Northern Territory's demographic characteristics and circumstances. These characteristics relate in the main to remoteness and high general workforce and population mobility.

Since the inception of the NDIS the Office of the Public Guardian has assisted 392 represented persons⁴ become NDIS participants (figure as at 30 June 2020) and has attended at many, if not all initial and review planning meetings. This involvement has provided significant insight into the experiences of participants⁵ and the impact of support coordination upon the achievement of NDIS plan (plan) outcomes. Reflective of a finding of impaired decision-making capacity and the associated need for assistance to coordinate funded supports, all participants who are under the guardianship of the Public Guardian have support coordination built into their plans.

Overall the Office of the Public Guardian has noted the support coordination experience and the quality of support coordination services is dependent on the individual support coordinator and their disability expertise, cultural understanding and particular skill set. A continuing concern for the Office of the Public Guardian is a lack of cultural understanding and cultural alignment of support coordination services in recognition of the importance of country to Aboriginal participants. It is hoped that through the NDIA's current review and the consideration of submissions and recommendations from stakeholders, including participants, family and decision makers, support coordination services can be strengthened to provide a more consistent,

⁴For the purpose of this submission represented person means a person who is under a guardianship order and the Public Guardian is appointed with decision-making authority for this person.

⁵ As guardianship orders come into effect when a person reaches the age of 18, all experiences of the Office of the Public Guardian in relation to the NDIS is with participants between 18 to 64 years of age.

positive, culturally appropriate and engaging experience for all participants.

Inclusion of support coordination in plans

1. What factors should be considered when determining if, when and for how long support coordination should be funded in an NDIS participant's plan?

It is the experience of the Office of the Public Guardian that participants need support to understand and implement their plans, how to connect with providers in their community and to reduce the level of administrative effort required to manage a plan⁶. This support should not fall to the participant or to their informal supports without an understanding of how support coordination can assist in the coordination and implementation of funded supports.

The significant change that the NDIS represents for participants, their family and decision makers and the corresponding changes occurring in the disability sector and workforce necessarily warrants an initial presumption of support coordination in all new participant plans. Such a presumption will ensure participants, their families and decision makers are informed of support coordination services and enables them to advocate for the inclusion of this support in the participant's plan or make an informed decision that this support is not required.

To assess the funded level of support coordination in a new participant's plan or the continued or ongoing level of support coordination in subsequent plans the Office of the Public Guardian supports the suggested factors detailed in the Tune Review:

- the level of complexity of the participant's disability or disabilities and what this means for the range of supports to be managed
- whether the participant's circumstances mean there are one or more intersections with other service systems to manage (e.g. justice, health, child protection, voluntary out of home care or housing)
- the stability of the participant's living arrangements
- the participant's location, and any cultural considerations
- the extent, stability and capacity of a participant's informal support network
- the extent of the participant's social and economic participation and engagement⁷.

The Public Guardian advocates for the inclusion of an additional factor being whether the participant has been appointed a substitute decision maker of last resort, for example a public guardian or public advocate.

⁶ This experience was also reflected in feedback to the Tune Review; David Tune AO PSM (2019) *Review of the National Disability Insurance Scheme Act 2013*, p28.

⁷ Ibid p120

For many participants with impaired decision-making capacity⁸ the functions provided by support coordination services, in particular to connect and coordinate funded supports and to access mainstream and community services, are ongoing and require sustained and strategic effort to achieve participant goals. This sustained and strategic effort must be reflected in the ongoing (and sometimes indefinite) inclusion of support coordination in some participant's plans, including participants with impaired decision-making capacity, mental illness, acquired brain injury or intellectual disability. It should not be considered a time limited support and in many circumstances cannot and should not be replaced by local area coordination services. For a significant segment of people living with disability, support coordination will be required on an ongoing basis to actualise the goals, therefore it should be considered as reasonable and necessary in these situations.

The Office of the Public Guardian has closely monitored plans of represented persons to ensure the appropriate level of support coordination continues. It has been concerning to hear of suggestions that this level of support coordination may be reduced by the NDIA without fully understanding what is being required by this role for participants. For participants under the guardianship of the Public Guardian the reduction in support coordination services would create a critical support gap in the participant's life and have negative consequences for individuals as adult guardianship officers are not whole-of-life case managers, but appointed decision makers.

2. Should the current three level structure of support coordination be retained or changed?

The Office of the Public Guardian's experience of support coordination has been in relation to level 2 coordination of supports and level 3 specialist support coordination and these two levels of support coordination should be maintained. On the whole, there is a significant difference in experience and skill set between level 2 and level 3 support coordination. This difference may be representative of the necessary expertise and skill set required of specialist support coordination, however it is also reflective of the need for industry accreditation and training for level 2 support coordinators.

3. How should support coordination interact with other NDIS supports? For example, local area coordinators, community connectors, liaison officers and recovery coaches?

There must be a coordinated and collaborative relationship between support coordinators and other NDIS supports. Where support coordination is included in a participant's plan the support coordinator should be the central point of contact for the participant, their family and decision makers and should have an intimate understanding of the participant, their support needs, plan goals and available service providers. Support coordination should engage with the expertise and skills offered by other NDIS supports, including community connectors, liaison officers and recovery coaches to ensure the supports offered to the participant are optimised.

⁸ Participants with impaired decision making capacity is used to describe the group of participants represented by the Office of the Public Guardian, however these submissions may equally apply to other groups of participants including participants with mental illness, acquired brain injury or intellectual disability.

4. How should support coordination interact with and complement existing mainstream services?

To meet the objective of the NDIS to support the independence and social and economic participation of people with disability, it is imperative that:

- participants are supported to access existing mainstream services and
- mainstream services are equipped, through infrastructure modification, workforce training and attitudinal change, to support participants to access mainstream services.

Support coordination should interact with existing mainstream services to ensure that wherever possible participants are supported to connect with community and mainstream services. Community and mainstream services should be advised of how they can support the participant to access their services, including any specific support requirements or required adjustments to service delivery. Where appropriate, community and mainstream service representatives may be involved in participant meetings to understand the participant's needs and to contribute to the development of holistic support planning and implementation.

5. What can or should be done to address the level of utilisation of support coordination in plans; and is this any different to the general issues of utilisation?

It is the experience of the Office of the Public Guardian that the level of utilisation of support coordination is dependent upon a number of factors including the skill and expertise of the support coordinator to proactively and creatively engage with service providers and other supports for and with the participant, the availability of service providers and the life stage, health status and engagement of the participant.

Utilisation of support coordination is likely to be improved with greater clarity of the role and functions of support coordinators and with the introduction of industry training and accreditation for level 2 support coordinators. Support coordination should be underpinned by person-centred, holistic, strategic and creativity principles to support participants to optimise supports in their plan and achieve plan goals.

Role of support coordination

6. What functions should a support coordinator perform? Are there tasks that a support coordinator should not do?

A support coordinator should have an intimate understanding of the participant, their support needs, plan goals and available service providers and should be a central point of coordination for the participant and all supports necessary for the participant to achieve their plan goals. The common functions of a support coordinator as detailed in the discussion paper should continue but these functions should be underpinned by person-centred, holistic, strategic and creativity principles. Where gaps have been created support coordination should incorporate the case management functions that were previously provided by government or non-government services prior to the introduction of the NDIS.

It is the view of the Office of the Public Guardian that the adoption of the title of support coordination was a positive change, however the role in fact remains as undertaking case management. It has not been helpful messaging to advise that support coordinators do not undertake 'case management' when this is in fact what participants and their families are requiring.

Therefore, role clarity for support coordinators is a critical area of further development; ideally, this would be co-designed with participants. For example, documents such as the *Scope of Social Work Practice Case Management and Care Coordination*⁹ do not define case management or care coordination or contain any activity that would not be included in the role of a support coordinator.

A support coordinator should not perform direct support tasks that are more appropriately provided by core support services.

7. Is there evidence that participants with specific plan goals related to education, accommodation and employment would benefit from more targeted support coordination services to achieve these outcomes?

It is the experience of the Office of the Public Guardian that targeted and specialist support coordination is effective in achieving specific outcomes or at specific life stages of the participant. On some occasions targeted support coordination may only be required for a limited time, until the specific outcome is achieved and then the level of support coordination can be reduced or varied to level 2 support coordination. This is an efficient and appropriate use of the specific expertise and skill set of specialist support coordinators. However it does require excellent role clarity and collaboration for this to be effective and not cause increased confusion. Major life transition points are clearly going to require and benefit from specialist support coordination.

8. How could plan management and support coordination be more closely aligned and what would the potential benefits and risks be?

The benefit of more closely aligned plan management and support coordination is the reduced complexity for participants and the alignment of financial considerations of the participant's plan, including budget tracking, with their support needs and plan goals. The risk of closer alignment might be support coordination services being distracted by financial considerations to the detriment of important support coordination functions. As most of the participants represented by the Office of the Public Guardian have agency managed plans this is not a high priority issue for this office.

Quality of support coordination

9. Should there be minimum qualification requirements or industry accreditation in place for support coordinators? If so, what might be applicable?

The Office of the Public Guardian has experienced effective support coordination from both level 2 support coordination and level 3 specialist support coordination services. However, on the whole a greater level of skill and capacity has been evidenced from specialist coordination support services. The specialist support coordinators have demonstrated a greater ability to understand the needs of participants, to think creatively and offer 'out of the box' solutions and to explore multiple and alternative supports to meet the participant's needs and goals.

On occasions when similar ability has been witnessed by non-specialist support coordinators, there has been evidence of industry training, industry mentoring or high market expectation for those support coordinators.

⁹ Australian Association of Social Workers, *Scope of Social Work Practice Case Management and Care Coordination*, December 2015.

For participants needing support coordination it is paramount that support coordinators have the necessary knowledge, attitude and skill set to support the participant to optimize the benefits and supports of their plan. This includes human services knowledge and/or experience, superior communication skills, a visionary, person-centred attitude and creativity to identify and implement 'out of the box' solutions. To achieve this the Office of the Public Guardian advocates for all support coordinators to have industry accreditation and/or appropriate tertiary qualifications in the fields of human and/or social services.

10. How can the effectiveness of support coordination be measured and demonstrated?

Measuring the effectiveness of support coordination is difficult and will be dependent upon each participant's individual circumstances, their location and market influences. For example a participant's support coordination and utilisation of their plan may be impacted by the availability of service providers, if the participant is living in a remote community or the life stage or health status of the participant.

Notwithstanding these difficulties the Office of the Public Guardian supports a measure of the effectiveness of support coordination that considers the achievement of the participant's goals, the participant's level of satisfaction with the NDIS and the participant's access to their community and required supports.

11. Are there emerging examples of good practice and innovation in support coordination?

Emerging examples of good practice and innovation in support coordination experienced by the Office of the Public Guardian include:

- visionary and creative thinking and an ability to identify and implement 'out of the box' solutions
- communication skills that empower the participant to be involved in decision making while also engaging with family and any appointed decision maker such as a guardian
- strategic planning to set short terms goals and maximize supports during the life of the plan but also to consider the participant's whole of life goals
- the ability to be flexible and adapt to the market and the participant's needs, for example if a preferred service provider has a long waiting list considering alternative service providers or strategies for how the participant may access supports from the preferred service provider without the expected wait time
- engaging with other providers of supports including cultural brokers and family and community members to identify and implement support options that are culturally appropriate
- understanding the participant's culture and aligning the support coordination services to this culture, for example for an Aboriginal participant understanding the importance of living on country or returning to country and utilising the participant's plan strategically and creatively so that this can occur
- effective support coordination to enable the participant to access supports, achieve their plan goals and live a good life without the need for formal guardianship.

12. Are the levels and relativities in the NDIA price limits across different services including support coordination working effectively in the interests of participants and a sustainable, innovative market?

In the Northern Territory the greatest challenge for participants and a sustainable, innovative market continues to be a limited and insufficient human services workforce and thin markets impacted by a small and geographically dispersed population. Participants living in Darwin, the largest city in the Northern Territory, experience significant service gaps and thin markets limiting the availability and accessibility to reasonable supports. The market situation deteriorates further for regional centres and then becomes even more problematic, even non-existent, in remote and very remote areas.

The NDIA price limits across different services including support coordination are not always working effectively in the interests of participants and some components of the NDIS workforce. The price limits are creating price discrepancies between different services that are not necessarily reflective of the existing training, skill set and expertise demanded of those services. With reference to Table 7 of the discussion paper the hourly rate of level 2 support coordination in an urban setting is almost double the hourly rate of assistance with self-care activities. This is despite the fact that both services require no formal qualifications and the ongoing individual and organisational training needs for self-care activities may arguably be higher than those for support coordination. There also appears to be a price discrepancy between the hourly rate of a psychosocial recovery coach and level 2 support coordination. NDIA price limits, especially in the Northern Territory where there are significant workforce and market issues should be aimed at stimulating the market and increasing the workforce in key areas.

13. Should support coordination pricing be determined, at least in part, based on progression of participant's goals and outcomes, and how might this work?

Determining support coordination pricing based on progression of participant's goals and outcomes will be challenging to implement fairly and consistently. Similar to utilisation levels, the progression of participant's goals and outcomes may be impacted by the availability of service providers, if the participant is living in a remote community or the life stage or health status of the participant. The impact of these factors may be despite significant effort, time and resources by the support coordination services to progress the participant's goals and outcomes.

The accurate and fair measurement of progress towards goals and outcomes has always been a fraught issue in human service provision, as the effort expended by support services often does not correlate to the outcomes achieved due to the human variables. The Office of the Public Guardian would be supportive of implementing a system that was able to capture the effort expended by the support coordinator, and the quality of these efforts, but accurately reflecting the contribution this made to progressing the participant's goals and outcomes needs to acknowledge and incorporate the reality of the blockers and challenges to progress.

Building capacity for decision making

14. How can a support coordinator assist a participant to make informed decisions and choices about their disability supports? What are the challenges?

A support coordinator can assist a participant to make informed decisions and choices about their disability supports by:

- understanding the participant's culture and aligning the support coordination services to this culture
- engaging with the principles of supported decision making
- knowing available service providers and the supports they offer, including new service providers and previously unused service providers
- understanding the participant's support needs and plan goals and providing a choice of multiple service providers, including the strengths and weaknesses of each choice for the participant
- using communication tools, including interpreters and assistive technology
- planning and being strategic about the participant's goals and plan funding so that decisions are proactive and considered and not reactive and unconsidered
- supporting the participant to develop self-advocacy and communication skills
- engaging with the participant and their informal support networks and appointed decision makers
- promoting innovative service provision such as supported decision making, peer/self-advocacy and financial management skills
- availability of support coordination or amalgamated emergency support coordination to address urgent situations 24 hours a day, 7 days a week.

Challenges to assisting a participant to make informed decisions and choices about their disability supports include:

- thin markets and the limited supply and availability of service providers
- influences from the participant's family and carers that may not align with the participant's preferred decisions and choices
- service offerings being available such as skill development for supported decision making, peer/self-advocacy and financial management skills.

15. How does a support coordinator build a participant's independence rather than reliance? Should support coordination pricing be determined, at least in part, based on building a participant's capacity for decision making to become more independent?

A support coordinator builds a participant's independence through structured skill development, including self-advocacy, financial management and supported decision making. Effective support coordination may in fact enable a participant to access supports, achieve their plan goals and live a good life without the need for formal guardianship and thereby maintain their autonomy of decision making to the greatest extent possible.

Therefore, for many participants with impaired decision making capacity, intellectual disability or psychosocial disability due to mental illness an increase in independence may not necessarily equate to a decrease in required support coordination services but may allow them to maintain their autonomy of decision making. The functions of support coordination services, in particular to connect and coordinate funded supports and to access mainstream and community services, are ongoing and require sustained and strategic effort to achieve participant goals over their life time and are not necessarily linked to the participant's independence.

Support coordination pricing should not be determined based on building a participant's capacity for decision making to become more independent.

16. How can a support coordinator assist a participant in need of advocacy without acting outside the parameters of their role? What are the appropriate parameters of the personal advocacy role and the support coordination role?

Advocacy services are fundamental to ensuring participants know and understand their own rights and are empowered to take action to ensure these rights are recognised. In the Northern Territory advocacy services for people with disability are limited with one service in Darwin and one service in Alice Springs. Increased advocacy services are needed to meet the needs of people with disability in the Northern Territory and to actively advocate for individual resolutions and systemic changes.

For NDIS supports it is appropriate that some levels of advocacy should sit within the functions of a support coordinator including:

- ability to advocate on behalf of participants at planning and review meetings to ensure the participant's funding is appropriate and reflects their goals and support needs
- ability to advocate to service providers on behalf of participants in relation to the supports they are receiving, if they are in accordance with the relevant service agreement and if they are not meeting the participant's needs.

Conflict of interest

17. In what circumstances is it more or less appropriate for a participant to receive multiples supports from a single provider?

In principle the Office of the Public Guardian supports the provision of multiple supports to a participant from multiple providers. For participants with impaired decision making capacity¹⁰, the involvement of multiple service providers creates a level of safeguarding, transparency and accountability for the participant and to ensure their needs are being met. The current scheme concept of an independent support coordinator to the other support providers involved in the participant's services is supported.

However, in some circumstances it may be appropriate and/or necessary for a participant to receive multiple supports from a single provider including:

- if the participant has made an informed choice for multiple supports to be received from a single provider
- in remote communities where there are limited service providers and there is no choice but to receive multiple supports from a single provider if the participant is to continue living in their community and/or on country
- when there are formal oversight mechanisms, for example community visitor services that can provide qualified, independent oversight and feedback on service providers.

¹⁰ Participants with impaired decision making capacity is used to describe the group of participants represented by the Office of the Public Guardian, however these submissions may equally apply to other groups of participants including participants with mental illness, acquired brain injury or intellectual disability.

18. Should the IAC recommendation for the NDIA to enforce an 'independence requirement between intermediary and other funded supports at the participant level' be adopted?

In principle the Office of the Public Guardians supports the adoption of the IAC recommendation for the NDIA to enforce an independence requirement between intermediary and other funded supports at the participant level. However, this may be very difficult to adopt and enforce in remote communities with limited service providers. In some remote communities the only available service provider may provide support coordination and other supports and there are no alternative service providers if the participant is to continue living in their community and/or on country.

In these circumstances formal oversight mechanisms, for example community visitor services should be introduced to remote communities so that qualified, independent oversight of the service provider can occur. If not provided under a state or territory funded service, such a community visitor service should be funded through the participant's NDIS plan. It is more appropriate for a community visitor service to be provided by an outreach service rather than direct support coordination or other support that requires either a thorough understanding of the participant and their culture and circumstances or a physical presence to deliver the required support.

19. What impacts would stricter conflict of interest requirements have on NDIS participants and the NDIS market?

For remote communities stricter conflict of interest requirements will impact participants and the NDIS market in the following ways:

- support coordination (as the most flexible support) will need to be provided to participants by a provider not located within the participant's community which may result in a disconnect between the identification and implementation of funded supports
- without the combined funding of support coordination and other supports, service providers may become unviable to continue operating in the remote community.

General

20. What would you identify now as the current critical issues around support coordination?

The current critical issues around support coordination for participants under the guardianship of the Public Guardian are:

- the recognition of the need for and inclusion of support coordination in all new plans and in all subsequent plans where one or more of the factors detailed in question 1 (above) exist, including where the Public Guardian has been appointed guardian for the participant
- the need for coordination services to be underpinned by person-centred, holistic, strategic and creativity principles to support a participant to optimise supports in their plan and achieve plan goals
- a cultural understanding by support coordinators of an Aboriginal participant's desire to return to country or to remain on country and the importance of achieving this for the Aboriginal participant

- training, expertise and skill set of many level 2 support coordination services to identify and implement creative solutions to meet participant goals and utilise funded supports
- change of support coordinators within organisations due to participant reallocation and/or movement of staff across organisations or out of the Northern Territory
- a lack of understanding by support coordination services of the role of adult guardianship officers and the expectation of support coordinators to effectively perform the functions of their role
- availability of support coordination or amalgamated emergency support coordination to address urgent situations 24 hours a day, 7 days a week.

21. What are the priority actions the NDIA might take to grow an innovative and effective support coordination market in the interests of participants?

Priority actions the NDIA should consider to grow an innovative and effective support coordination market in the interests of participants:

- the introduction of minimum qualifications, industry accreditation and/or ongoing training for support coordinators
- the requirement for cultural training of support coordinators to ensure a cultural understanding and the cultural alignment of support coordination services who support Aboriginal participants
- the introduction of standards to measure competence and to ensure evidence based best practice for support coordination
- initiatives to grow specialist support coordination services across various sectors, including education, employment and housing so that support coordination can be targeted to specific outcomes at certain life stages of the participant
- clarity and confirmation around the role and functions of support coordination so that participants and their family and supporters, including guardians have a clear and defined understanding of what functions may be expected from support coordinators and there is less variance in functions between different support coordinators
- provision of guidelines and standards of support coordination as a unique service type.