



Northern Territory Office of the Public Guardian Submission to the Joint Standing Committee on the National Disability Insurance Scheme

Inquiry into Supported Independent Living under the National Disability Insurance Scheme

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Introduction

The Northern Territory Office of the Public Guardian welcomes the opportunity to provide a submission to the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) inquiry into Supported Independent Living (SIL) under the NDIS. This submission is based on experiences of the Office of the Public Guardian staff that work with adults subject to a guardianship order appointing the Public Guardian that are NDIS participants who require SIL supports.

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.

The Office of the Public Guardian teams are located in Alice Springs and Darwin, with the Public Guardian appointed sole or joint guardian for 645 adults during the 2018-19 reporting period. Since the inception of the NDIS the Office of the Public Guardian has assisted 351 represented adults become participants (figure as at 30 June 2019).

At the inception of the NDIS, the Northern Territory Public Guardian made a commitment that Adult Guardianship Officers would attend all planning meetings for their allocated represented adults. Despite the additional workload this placed on the Office, the outcomes achieved for represented adults was well worth it. This commitment also provided the office with unique insight into SIL in the Northern Territory.

The Office of the Public Guardian has been working closely with the National Disability Insurance Agency (NDIA) in identifying changes that are required to ensure the best scheme is delivered to eligible Territorians. Approaches suitable for the Territory need to take into account remoteness, thin market and transient work population.

The Public Guardian continues to advocate for the growth of both housing and support services in response to the Northern Territory's thin market. The lack of flexible housing options and appropriate support services can result in a person being placed in a compromised living situation, homeless or remaining in hospital for a longer period than medically required. The availability of suitable housing has stalled the provision of support for some people with a disability, especially those who require modified housing due to their disability.

a) the approval process for access to SIL;

The Office of the Public Guardian has observed the approval process for access to SIL to be lengthy and cumbersome, particularly in regards to the number of reports required to substantiate the participants need for assistance. This can also be extremely time consuming especially in places like the Northern Territory where the availability of professionals to undertake these assessments is limited.

In addition to the abundance of reports and assessments required, the specific requirements for specialised reports (such as Occupational Therapy) further exacerbates the timeframe of attaining SIL funding. The thin market of services providers also applies to Occupational Therapists with only a handful in the Northern Territory that are often booked for months in advance. When a participant is in crisis there is little that can be done to progress their matter due to the strict report requirements. Alternative short term arrangements during this time are often difficult to source meaning that participants remain in hospital or prison for excessive periods.

The Office of the Public Guardian has noted that many NDIS plans provide an unrealistic and limited amount of Short Term Accommodation which is required whilst identifying an appropriate SIL service. The allocation of Short Term Accommodation funding is not equivalent to the time required to obtain the required information and assessments, resulting in additional work being undertaken to either adjust the amount of Short Term Accommodation in the plan or core money being used for this purpose. This is an inappropriate use of resources as time is then spent on Short Term Accommodation as opposed to SIL and is not reflective of the participants needs. This creates uncertainty, promotes sub optimal outcomes for the participant and is an inefficient use of resources for guardians, NDIA and service providers.

For the general public, the approval process for access to SIL would be extraordinarily difficult to navigate. The level of administration and multiple complex processes required to obtain SIL for participants needs to be drastically streamlined and minimised to achieve better outcomes from the scheme.

Many service providers see the SIL quote as a transaction or negotiation between NDIA and the Service provider. The Office of the Public Guardians experience in the three years leading up to the full implementation of this scheme has been very limited visibility of the SIL quotes as participant representatives. This creates a number of difficulties moving forward including the reduction of choice and control for participants.

The Office of the Public Guardian strongly advocates for the processing of SIL to remain a local function with priority given to enhancing and maximising involvement of the participants or their representative in the process. The centralisation of this function at a national level removes local knowledge, understanding of the Territory's market and participant involvement.

b) the vacancy management process, including its management and costs;

The Office of the Public Guardian approach Support Coordinators when a placement for a participant is required and is therefore is not directly involved in the vacancy management process. The Office of the Public Guardian has observed a limited number of vacancies, which is presumably a result of the Northern Territory establishing this sector.

c) the funding of SIL; and

When a participant's needs are considered holistically, and housing and other supports provided simultaneously, they are more likely to gain stability and improved wellbeing. The Office of the Public Guardian advocates for the development, and uses when available, of a range of flexible support services to address the adult's individual circumstances. A recognition of modifications required for some accommodation options in SIL funding would support the growth of flexible housing options for people with impaired capacity across the Northern Territory.

The funding of SIL would benefit from a review as to what is or is not included. An example of an unclear component is access to basic services as there are difficulties in ascertaining costs for the transport for attending medical appointments and other basic services. SIL does not provide allowance for the development or stabilisation of this service sector as a result of only support hours being recognised as fundable items. While a participant is on community access a SIL provider cannot charge. A higher level of irregular support options needs to be included in plans as this would provide a safety net for situations such as;

- where community access provider does not turn up, and
- where a differing ratio of support participant is required for a short period of time such as getting the participant ready for the day (shower, dressing etc).

Funding within SIL is crucial for the creation, growth and establishment of the supported living sector. Unfunded areas within SIL such as staff development, team meetings and staff supervision does not assist to address the Territory's thin market.

The Office of the Public Guardian is aware of SIL providers having to go into the private housing market for appropriate accommodation that has a significant time period, however funding will not be released until accommodation is available. The NDIA has to consider funding the gap between market rent for properties and what the participant can reasonably afford from their disability support pension. This is particularly the case for single occupancy SIL due to behaviours of concern or other participant needs.

The Office of the Public Guardian advocates for a review of the funding options for the Northern Territory, so needs of participants with complex and changing circumstances are appropriately met. Initial short-term supported accommodation is at times required before securing longer-term accommodation either in the private rental market or in public housing therefore needs to be recognised within the scheme.

It is the view of the Office of the Public Guardian that participants requiring SIL are staying in hospital, prison or sub optimal placements for long periods of time whilst appropriate SIL services can be sourced and the issue of SIL quote is being addressed.

The Office of the Public Guardian has noted an increase of occasions in which we are not given the opportunity to review the SIL quotes as they are only provided to NDIS. This exclusion of the participant can result in critical information being missed therefore not considered.

The Office of the Public Guardian recognises the strong correlation between stable accommodation and the effectiveness of support services. It is often the case that when a represented adult secures stable accommodation they benefit also from better engagement with support services.

d) any related issues.

While most Territorians live in regional centres, a significant number live in remote and very remote areas. Limited provision of services in remote communities means those needing aged care support, palliative care or a higher-level of support often need to move away from country to regional centres to access adequate services.

The Northern Territory does not have any SIL services outside of the major regional centres and the market stewardship to get this happening is not happening. Getting SIL services and providers in remote communities still needs to be realised.

In conclusion SIL is a critical component of support for many Office of the Public Guardian participants given their significant level of disability. Whilst it is encouraging to see many examples of very good packages of support funded by NDIA, it disappointingly continues to be difficult to realise this funding as SIL services. In the Northern Territory, there is significant difficulty in obtaining appropriate SIL services due to the thin market and provider expertise. This difficulty is particularly the case for people with complex behaviours of concern or significant multiple issues. There is currently significant system issues that need to be addressed urgently to facilitate improved participant outcomes.