

Thursday 15 February 2024

Ms Rebecca Falkingham
Chief Executive Officer, National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601

RE: Physical Disability Australia's detailed feedback on the National Disability Insurance Agency's draft *Our Agency Strategy* document

Dear Ms Falkingham

Thank you for the opportunity to provide feedback on the National Disability Insurance Agency's (NDIA's or Agency's) draft *Our Agency Strategy* (draft Strategy) document that was sent to us from your *Stakeholder Engagement* email account. The email asked for:

...*feedback on:*

- *whether the commitment statement says what you think the Agency should do in the next 10 years;*
- *whether the goals are what the Agency should be working towards in the future;*
- *whether the outcomes are what the Agency should be focusing on achieving;*
- *if the action statements what the Agency should focusing on to achieve their goal and outcomes; and*
- *anything else you would like to share about the Agency Strategy.*

A table was provided for recipients to respond via return email, however we did not feel this format encouraged anything more than brief comments and, upon reviewing the draft Strategy, felt more detailed criticism was appropriate given the likely importance of a finalised *Our Agency Strategy* to participants, Agency employees, the Minister and other federal, state/territorial, and local government entities.

Here then is Physical Disability Australia's (PDA's) considered feedback on the draft Strategy as a whole and long-form answers to the email's questions.

General Comments

Overall, we are disappointed with the draft Strategy's ambiguity, brevity and design.

To start with, it uses the term 'people with disability' without regard to the fact that the Agency in its administration of the National Disability Insurance Scheme (NDIS) has little to offer the majority of people with disability who do not meet the NDIS's eligibility criteria¹. Those that *do* meet the Scheme's eligibility criteria and, as a

¹ At 14 May 2020, the Agency understood that 4.3 million Australians live with disability and that the number of participants will reach 500,000 "within the next 5 years" (<https://www.ndis.gov.au/understanding/how-ndis-works/who-ndis-supports>). This suggests that less than 12% of Australians with disability are likely to meet NDIS eligibility criteria.

result, are the Agency's principal service receivers and stakeholders, are called 'participants' in the *NDIS Act 2013* and it is puzzling that this term is not used **at all** in the draft strategy.

In saying this, we note that the *NDIS Act 2013* uses the term 'people with disability', *et alibi*, in its *Objects and Principles*, and *Functions of the Agency* chapters when, in most cases, the clauses it appears in only apply to 'participants'. We also note that the Independent NDIS Review's *Final Report* recommends Australian governments work together to provide 'foundational supports' to, in-part, provide supports those who do not meet NDIS eligibility criteria. If and when a foundational supports scheme emerges, it is unlikely that the Agency will be tasked with administering it.

PDA therefore recommends, in the strongest of terms, that the finalised *Our Agency Strategy* use the term 'participants' instead of 'people with disability' to reflect the reality that the Agency's focus is on, and will remain on, participants and not the majority remainder of people with disability in Australia.

The draft strategy is also ambiguous in its use of the terms:

- **Co-design** – with no acknowledgement that current co-design activities do not yet give external stakeholders any real say in Agency policies and initiatives.
- **partners and providers** – with no explanation of who/what these are nor the role they might have in assisting the Agency to meet its strategic goals.
- **Disability Sector** – with no regard to the conflicting interests of participants (and the Disability Peoples Organisations they belong to), support workers, and corporate support and training providers... who all regard themselves as sector members and stakeholders.
- **Supporters** – with no reference to who among the many people and organisations that work with and on behalf of people with disability are included in each instance.

Along with these and other poor word choices, we are disappointed by the draft Strategy's:

- Lack of depth (as detailed below);
- Lack of endorsement statements from the Minister, Board of Directors, and/or Chief Executive Officer; and
- Use of infantile smiling paper-doll-like illustrations in place of photos of participants living their best lives.

To address these shortcomings, PDA recommends that those responsible for producing and enshrining a finalised *Our Agency Strategy* commit to creating a professional-looking, unambiguous, and concise document that allows all readers to understand what the Agency's functional purpose is, and how it is going to fulfil it to the satisfaction of participants (who rely on the NDIS), Australia's governments (who invest in the NDIS), and the Australian community (who expect the NDIS to give participants the support the need to live their best lives).

1. Do you think the commitment statement says what you think the NDIA should do in the next 10 years?

We feel the commitment statement fails to refer accurately to who its service recipients are (participants rather than people with disability), and what those service recipients actually receive (funding with which to purchase specific personalised supports) rather than connection to supports.

In its draft form, the commitment statement overreaches what the Agency can actually deliver and promotes cynicism in the community with regard to the draft Strategy's actual place in the Agency's forward planning processes.

To illustrate this point, consider the 'support connection' services the Agency might provide to 2 hypothetical applicants: one with paraplegia related to a spinal cord injury aged 64; and the other with the same disability related impairments as the first aged 66. The first applicant is likely to be given access to the NDIS and be provided with a support package to fund all the assistive technology and personal support needs that will indeed allow them to make the most of their life. The second will be denied access to the NDIS (on the grounds that they do not meet the age access criteria) and instead be directed aged care and jurisdictional, and community support programs (if they exist in this applicant's community) that lack both the mandate and funding to let them make the most of their life.

Clearly the commitment statement's promise of support connection is meaningless as the adequacy of the supports available to each person with disability hinges on their participant status, and until the 'best life' outcomes achievable outside the NDIS are on par with those that are delivered from within, there is no point in making such a commitment.

PDA recommends the commitment statement be reworded to reflect this regrettably inequitable state of affairs.

We will deliver a Scheme that provides participants with the supports they need to make the most of their lives

This, for example, would be an appropriate 10-year commitment for the Agency to make given scope of its mandate and the confines of its budget. As it stands, the draft strategy's commitment statement exposes the Agency to reputational risk for it can do things it is not allowed (let alone funded) to do.

2. Are the goals what the Agency should be working towards in the future?

As a set of goals that the Agency should be working towards, the 4 listed in the draft strategy are appropriate if a little lacking in scope and ambition. However, as with the wording choices listed above in our general comments, PDA feels the goal title words are also too ambiguous. We recommend these and their 'what-this-looks-like' pledges beneath them be rewritten in precise and practicable terms:

Respect – We listen to, and work with, participants and the people and organisations who support them.

Partner – We collaborate with [list²] to ensure participants have access to the supports that best meet their needs, goals and circumstances.

Model – We employ a diverse workforce that reflects Australia's lived experiences.

Innovate – We find new ways to enable our employees, participants, and the disability community to thrive.

To these, PDA recommends goals relating to **Diligence** (We will fulfil our responsibilities in a thorough and timely manner), and **Integrity** (We will deliver our services in accordance with government and community expectations³) be added to the 4 provide in the draft Strategy.

² This could include PITC LACs, registered support providers, local and state/territory government agencies, and Disability and Carer Representative Organisations... and participants themselves.

³ PDA argues it is vital that **all** Agency corporate strategies and plans acknowledge the ongoing sustainability concerns of Australia's governments and taxpayers.

3. Are these the outcomes the NDIA should be focusing on achieving?

and

4. Are the action statements what the Agency should focusing on to achieve their goal and outcomes?

While the outcomes ('What success looks like' statements) seem reasonable, it is not clear to readers that they were framed before the ('What we will do') action statements positioned before them as they should be. The draft Strategy's arrangement of actions before outcomes, and the way each outcome simply states the obvious effect of carrying out an action, potentially puts the cart before the horse.

For example, in the **Respect** goal, the proposed action: to "Work with people with disability and their supporters to co-design changes..." unimaginatively and obviously has the result that "People with disability and their supporters have consistent opportunities to contribute to Agency changes..."

Similarly, in the **Support** goal area, the Agency intention to "Make it easy for our partners and providers to engage with us..." meaninglessly manifests a world where "Partners and providers can easily engage with us..."

This pattern is repeated across all four draft Strategy goal areas and the consistent lack of distinction between means (actions) and ends (outcomes) runs the real risk of leaving readers wondering which were framed first.

PDA believes strategic plan developers *must* have the outcomes in mind before they think about the actions needed to reach them. This provides readers with assurance that strategic thought processes are actually in play.

For example, the above **Respect** outcome – ~~People with disability~~ [Participants] and their supporters have consistent opportunities to contribute to Agency changes... – could be achieved by:

- 💡 Work with participants and their supporters to develop and implement codesign process to shape Agency policy settings.
- 💡 Use the Participant First Program and Participant Engagement Panel to gather broad feedback on Agency proposed initiatives.
- 💡 Engage with Disability Representative and Carer's Organisations to gain insight into participant and community reform priorities.

PDA recommends, again in the strongest terms, that the Agency revise the draft Strategy's Goals, Actions and Outcomes section so that it is clear that appropriate thought is given to how outcomes might be reached through a range of complementary actions.

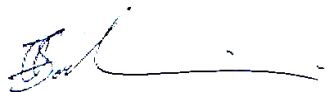
5. Is there any other feedback you would like to share?

As noted above in our General Comments, PDA is very disappointed with the draft Strategy's ambiguity, brevity and design. We also think it's publication before the Agency and/or the Department of Social Services has conducted a thorough consultation into the disability and broader community's assessment of the NDIS Review's Final Report has been undertaken and before the Australian Government has provided its formal response to that document.

Participants, whose quality of life depends on the Agency's NDIS administration practices, should have confidence that the strategic plan it works to implement has the scope and depth necessary to provide the supports they rely on to live their best lives. As it stands, the draft Strategy doesn't provide this.

Conclusion

PDA hopes that the detailed criticism we provide in this submission results in its serious consideration alongside other stakeholders' feedback and that you delay any finalisation of your *Our Agency Strategy* until changes like those we suggest have been made to the very problematic draft version.



Andrew Fairbairn
President and Director (WA)
Physical Disability Australia



Simon Burchill
Executive Officer
Physical Disability Australia

C.c. Mr Kurt Fearnley AO, Chair, NDIA Board of Directors
The Hon Bill Shorten MP, Minister for the NDIS and Government Services
The Hon Michael Sukkar MP, Shadow Minister for Social Services, the NDIS, and Housing and Homelessness

About Us:

Physical Disability Australia (PDA) is a national peak membership-based representative organisation run by people with physical disability for people with physical disability. PDA was founded in 1995 and have over 1,200 members from all Australian States and Territories. Our purpose is to:

- Remove barriers through systematic advocacy to all levels of government to enable every Australian living with a physical disability opportunities to realise their full potential;
- Proactively embrace and promote difference and diversity for an inclusive society; and
- Actively promote of the rights, responsibilities, issues and participation of Australians with physical disability.