

30 March 2021

Joint Standing Committee on the National Disability Insurance Scheme
PO Box 6100
Parliament House
Canberra ACT 2600

Phone: [+61 2 6277 3083](tel:+61262773083)
ndis.sen@aph.gov.au



17-23 Sackville Street
PO Box 1328
Collingwood, VIC, 3066
P 03 9411 9411
F 03 9411 9599
www.vaccho.org.au

Submission: Independent Assessments

[Independent Assessments – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au)

Introduction

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) welcomes this opportunity to provide feedback on Parliament's Joint Standing Committee (JSC) inquiry into Independent Assessments under the National Disability Insurance Scheme (NDIS). VACCHO has taken the opportunity to respond to sections C, D, F, G and J of the JSC TOR, and focus on how the Independent Assessment approach needs to be improved to account for the needs and lived experience of Aboriginal and Torres Strait Islander people and organisations. The term Aboriginal is used inclusively throughout the submission and refers respectfully to Aboriginal and Torres Strait Islander people.

VACCHO is the peak body for Aboriginal health and wellbeing in Victoria, with 32 Aboriginal Community Controlled Organisations (ACCOs) as Members. VACCHO Members support over 25,000 Aboriginal people in Victoria, and combined are the largest employers of Aboriginal people in the state. VACCHO was established in 1996. The role of VACCHO is to build the capacity of our Membership and to advocate for issues on their behalf. Capacity is built amongst Members through strengthening support networks, increasing workforce development opportunity and through leadership on particular health areas. Advocacy is carried out with a range of private, community and government agencies at the state and national levels, and on all issues related to Aboriginal health.

Note: throughout this document we refer to ACCOs as opposed to Aboriginal Community Controlled Health Organisations (ACCHOs), as the majority of our Members run services beyond just health, we use ACCOs as inclusive of ACCHOs.

Overview

Independent assessments, if implemented correctly, will allow for transparency and equity in the NDIS application process—and will better capture a person's functional capacity and unique circumstances. Independent Assessments that are appropriately designed should lead to further inclusion of Aboriginal communities in the NDIS by ensuring that cultural safety is paramount to assessments of Aboriginal people across the country. VACCHO's recommendations would support the successful implementation and use of Independent Assessments through embedding Aboriginal voices and communities in a self-determining, culturally safe and free assessment process.

While VACCHO is cautiously optimistic about Independent Assessments, the proposed approach neglects to address the systemic challenges Aboriginal peoples experience in accessing the NDIS. It is well known that significant long-term investment in improving access to the Scheme is required. The NDIA need to commit to funding that goes above and beyond Remote Community Connectors (RCC) or the Evidence, Access, and Coordination of Planning (EACP) program. These initiatives have been helpful in assisting potential

participants and their families navigate the complex framework of the NDIS. However additional, targeted long-term investment in holistic, community-led approaches will achieve better uptake and outcomes.

VACCHO welcomes the NDIA's recognition that the current approach to assessing a person's functional capacity is inadequate and leads to inconsistent, inappropriate and inequitable eligibility and plan budgeting decisions.¹ Given the ongoing challenges of racism in the health sector, VACCHO is concerned about two key areas:

- Lack of training for medical professionals as to the principles of the scheme, which is individual functional capacity based. This leads to medicalisation of the assessment process, including emphasis on diagnosis of disability and impairment, and contrary to an Aboriginal strengths-based approach (please see page 5-6 for more information), and;
- The lack of Aboriginal health practitioners providing referrals or undertaking assessments. Consequently, there is a lack of cultural safety that can lead to bias in the diagnostic process and reluctance on behalf of the Aboriginal community to engage in the process.

In the current system, assessments are heavily influenced by the assumptions and subjective judgments from NDIS staff. This means that staff who do not have allied health training and are non-Aboriginal make judgments based on their own experiences and background, and often do not consider—or understand—the specific needs of Aboriginal people. The lack of self-determination that exists in the current system means Aboriginal people are not able to inform their plan so they include services and supports that value and recognise the importance of culture and Community as essential to wellbeing. Culturally unsafe, subjective judgments can lead to the perpetuation of racism, and often ignore impacts of intergenerational trauma and systemic racism as leading factors in influencing an Aboriginal person's overall health and wellbeing. When the complex experience of an individual is reduced to tick box approach used for assessments without due consideration, this does not result in optimal plan allocation. VACCHO is concerned that if this issue is not addressed in the move to an Independent Assessment model, the assessors could fall into the same pattern of determining plan funding without accounting for the complexity of the individual, including their cultural needs. The NDIA must devise a comprehensive evaluation process to address this potential weakness and follow our recommendations for ensuring culturally safe assessors. A stronger process will result in improved plan funding allocation and reduced requests for plan reviews.

VACCHO is concerned that the needs of Aboriginal peoples have been left out of this approach. We are unable to locate any NDIS materials that consider the need for cultural safety and tailored communications when working with, or providing services to, Aboriginal individuals and/or communities. Collectively, our ACCOs have decades of experience in working with and for Aboriginal communities; therefore, we are best placed to provide the NDIA with localised advice and insight to make this reform successful. Without partnership this new approach is likely to be detrimental and place Aboriginal people at further disadvantage.

To ensure its success, we suggest the NDIA,

1. Immediately pause the roll-out / implementation of the Independent Assessment process to allow for meaningful consultation to occur with the ACCO sector.
2. Upon receipt of this feedback, establish strategies to incorporate the sectors suggested changes before implementation.

Response to TOR and Governance Arrangements

VACCHO is pleased to see the Joint Standing Committee include specific reference to Aboriginal and Torres Strait Islander people in part J of the TOR. Given the lack of commentary about suitability of the Independent Assessments process for Aboriginal people, and that the NDIA have considered the impacts of the Independent Assessment process to this cohort, this component is very important. Consistent with

Recommendation 10.0, VACCHO proposes that the NDIA undertake consultations with Aboriginal people with disability, carers and ACCOs about the specific considerations and needs of these cohorts before formalising the Independent Assessment policy and processes. There is considerable risk given the low numbers of people from these cohorts in the trials that there are weaknesses and issues with the refreshed assessment process that could cause further barriers.

VACCHO would also like to note that in response to part H of the TOR, the NDIA has provided insufficient information on this topic for meaningful discussion in this submission. VACCHO are unable to comment on this part of the Independent Assessment process given we do not have enough information to understand how it will operate in practice. We urge the Joint Standing Committee on the NDIS to inform the NDIA of the need for further information to be published on this topic.

VACCHO were disappointed to see the announcement of organisations which make up the Independent Assessment panel on 26 February 2021. We are frustrated because the tender results were released 3 days after the closing date for submissions to the NDIA, meaning that any recommendations included in submissions on NDIS Independent Assessments and Access were not acted on. The NDIA have not responded to the media coverage about concerns over Independent Assessments and have failed to answer questions about the how the new assessments approach will inform plan funding. VACCHO are concerned about the fractured relationship between the Aboriginal community and the NDIS being further impaired by this conduct. Transparency from the Joint Standing Committee on the NDIS is critical to rebuilding trust with the ACCO service sector, with the hope that it will prompt further accountability from the NDIA.

Intersection with Closing the Gap

The NDIA, as part of the Commonwealth, have an obligation to contribute to the goals set out in the National Agreement on Closing the Gap and improve health outcomes for Aboriginal people. While there is not a specific disability target to be reached, the Agreement covers the need for funding and resources to go towards improving health and wellbeing outcomes for Aboriginal communities. It is incumbent upon the NDIA to ensure that the commitment carries through and there is year on year marked improvement in levels of eligible participants accessing the Scheme.

Overview of VACCHO's Recommendations

- 1.0** Independent Assessments for Aboriginal people must be culturally safe.
- 2.0** Independent assessments should be offered to participants who need additional evidence for their access claim. Participants who have provided sufficient evidence for their disability should not be mandated to undergo a second round of assessments unnecessarily.
- 3.0** The NDIS must investigate the issues with existing LACs before allowing them to operate as Independent Assessors.
- 4.0** The NDIA must facilitate the co-location of assessors within ACCOs as a standard feature of the Independent Assessment system.
- 5.0** Where Independent Assessments are unable to be based within an ACCO, the assessor must have close links to an ACCO to ensure that the Aboriginal service user is assessed in a culturally safe manner.

6.0 Where ACCOs have the will to host or oversee the work of an Independent Assessor, the NDIA should negotiate partnership with Aboriginal Jurisdictional Peak bodies, such as VACCHO, to offer an Aboriginal State-wide Independent Assessment service.

7.0 NDIA to designate a proportion of the Independent Assessment workforce as identified positions.

8.0 The NDIA workforce strategy must address the lack of Aboriginal and Torres Strait Islander workers in all aspects of the NDIS system.

8.1 The NDIA workforce strategy must provide pathways for Aboriginal practitioners to become Independent Assessors.

9.0 The NDIA must partner with and fund ACCOs to develop and disseminate tailored, clear, localised, plain English communications to assist Aboriginal communities to navigate NDIS processes and engage with Independent Assessors.

10.0 The NDIA to undertake an in-depth review of the proposed Independent Assessments process and tools to ensure they can be delivered in a culturally safe manner and facilitate a strengths-based approach.

11.0 NDIS Reassessments should also be user-friendly, timely and person-centred—similarly capturing an individual’s unique needs and expectations.

12.0 Time limits on Independent Assessments should be increased to enable building of rapport and to catering to the needs of the participant.

13.0 The Independent Assessment toolkit should be continuously reviewed.

VACCHO’s Recommendations regarding Access and Independent Assessments

1.0 Independent Assessments for Aboriginal people must be culturally safe. VACCHO prioritises cultural safety when considering Independent Assessments. A trusting practitioner-client relationship is key so that Aboriginal people seeking to access the scheme can be honest with their assessor and share sensitive personal details unafraid of negative consequences. Cultural safety is about providing quality service that fits within the cultural values and norms of the person accessing the service that may differ from your own and/or the dominant culture and provides the basis for the development of trust. Culturally safe practitioners commit to ongoing implementation of culturally safe practices, through building respectful and strong relationships. Without that trust, the assessor will not be able to make a full assessment and assist in connecting the individual with the services that will best support them. The potential participant may also disengage for fear that the information shared could be used against them or their family. The impacts of colonisation, systemic and individual racism, and the Stolen Generation continue to affect Aboriginal communities, and have led to widespread distrust in the government, institutions and organisations—that currently and historically perpetuate and sustain harmful, culturally unsafe practices. This points to the importance of having Aboriginal people at the forefront of NDIS service delivery to and for Aboriginal people, and the need for ACCOs to play an essential role in the coordination of Independent Assessments for Aboriginal people.

From ongoing work with our Members, VACCHO understands that cultural safety must be embedded in the entirety of the NDIS system and process—including through assessments, local area coordination (LAC) and

NDIA planners so it can be accessed by Aboriginal participants. If Independent Assessments and assessors are not culturally safe, there will be issues with inaccurate assessments and plan funding that does not address or support the participant. The system requires assessment staff who genuinely understand and care about the Community and value the participants in a holistic way, including understanding their cultural needs. Culturally safe assessments are critical to the success of the NDIS. As mentioned in Section D of the TOR, quality assurance of Independent assessors cannot be assured for Aboriginal people unless the practitioners are Aboriginal or trained and supported to improve their cultural safety with oversight.

The current NDIS funding model precludes many ACCOs from providing NDIS disability services because the financial risk is too great. Many Aboriginal people in Victoria—and across Australia—want to access disability services through their local ACCO. When this cannot occur, Aboriginal people often go without seeking help for their disability and consequently ‘fall through the cracks’ of the NDIS. Independent Assessors either working in an ACCO or who have a close, embedded relationships with an ACCO, will ensure that cultural knowledge and skills are fundamental to the assessment of Aboriginal people.

2.0 Independent Assessments should be offered to participants who need additional evidence for their access claim. Participants who have provided sufficient evidence for their disability should not be mandated to undergo a second round of assessments unnecessarily. It is critical that culturally safe Independent Assessments are available for Aboriginal people who have been denied access due to the evidence provided, so that their eligibility can be properly evaluated. There are multiple factors as to why Aboriginal people have challenges accessing the Scheme, with weaknesses in the NDIS application process at various stages. The lack of robust and effective training for Allied Health and GPs to engage in the Scheme is a key issue. The NDIA should evaluate the application process to determine how Independent Assessments are fully embedded and utilised. This could assist Aboriginal people to access a free Independent Assessment, so they are not turned away from the Scheme prematurely or without proper consideration. This recommendation identified the assessment as a crucial component of the application process, which is also challenging to navigate for some Aboriginal people with disabilities.

Potential participants must provide documentation from specialists (allied health professionals and/or therapists) to support their NDIS eligibility application. These individuals face long waiting periods to meet with specialists and may end up paying hundreds in out-of-pocket costs for assessments, to generate supporting documentation. Aboriginal participants may disengage from the process or stop persisting with their application based on the cost and/or wait times of appointments and lack of access to transport to see professionals with specialists to gain evidentiary documents. Additionally, the NDIS may provide inconsistent advice to the applicant or fail to respond to queries in a timely manner. Unless there is an Access and Support worker advocating for the client (including their financial situation), the process could come to a stand-still. The NDIS estimates that people are spending between \$130 million to \$170 million annually on specialist fees and assessments.ⁱⁱ

The current access model is often experienced as inconsistent and inequitable by Aboriginal people with disabilities. Given the relatively low number of Access workers, specifically Aboriginal Access workers, it is unsurprising that the NDIA experiences slow uptake of Aboriginal people to the Scheme. The NDIA cannot gather data on individuals if they face an initial hurdle at the evidence stage before they fully engage with the NDIS. Therefore, the NDIA does not have the evidence to push for better process for access.

Additionally, VACCHO is aware that many GPs and other Allied Health Professionals do not know how to navigate the Scheme and are not trained in the requirements for evidence. Therefore, when a potential participant engages them, the evidence they provide can fail to meet the NDIS requirements and lead to denial of access. The NDIA faces a high number of requests to review denied claims (1,780 appeals in 2019 – 2020 and was an increase of 727% from 2017).ⁱⁱⁱ We are concerned that this same issue could be replicated with the Independent Assessment approach. The NDIA need to devise improved training for

medical professionals, including GPs, on their role in the Independent Assessment process to assess individual functional capacity.

According to the NDIS, people with psychosocial disabilities are disproportionately affected by inconsistent assessments (and failure to meet evidentiary requirements) as there is a wide variation of assessment tools that are used to measure the impact of a person's disability.³ Aboriginal people living with disability are even more vulnerable to violence, abuse, neglect and exploitation, with psychosocial disability the primary disability of 25% of Indigenous disability support service users.^{iv} Approximately one third of Aboriginal people also experience high or very high levels of psychological distress, which includes people experiencing disability.^v Not only does this point to an exacerbation of barriers for Aboriginal people accessing the NDIS, but it also points to the vulnerabilities of people interacting with the Scheme, its staff and systems – which are not easy to navigate.

3.0 The NDIS must investigate the issues with existing LACs before allowing them to operate as Independent Assessors. VACCHO is concerned that existing issues with the NDIS service offering will be carried over to the new Independent Assessments process unless addressed now. VACCHO and other ACCHOs have raised concerns with the service from Local Area Coordinators (LACs) in the past and have not recorded a marked improvement in the service offering when consulting with ACCO NDIS Providers. This current weakness in the service, particularly for Aboriginal participants, must be addressed. LACs are the first point of contact for people who need to access the NDIS. VACCHO has heard repeated feedback from Aboriginal people and Aboriginal Access workers that the service they receive has been culturally unsafe and sub-par. Some of the most common complaints include that they are culturally unsafe or ignorant to the importance of Kin and Community to the person experiencing disability and failing to explain the NDIS process. There are also instances where the potential participant is concerned about whether the NDIS is being explained correctly and/or they are not receiving genuine advice (because the staff member does not know the process). Aboriginal Support Coordinators have suggested a potential explanation for this is the confusing and impractical NDIS training that is delivered for workers. VACCHO has made a number of recommendations that would address these challenges and also ensure culturally safe service for Aboriginal people (Rec 2.0 ,3.0, 4.0 and 5.0).

4.0 The NDIA must facilitate the co-location of assessors within ACCOs as a standard feature of the Independent Assessment system. This would directly benefit Aboriginal participants because ACCOs are culturally safe environments where Aboriginal people already receive services. ACCOs are trusted by their Communities to provide wrap-around health and wellbeing services to Aboriginal people—upholding cultural safety and cultural practice through service delivery. ACCO programs, services, ways of being and doing are all based on the principle of culture and Community. Independent Assessor placement with ACCOs would enable sharing of information and more awareness of the service offering for Aboriginal people visiting the ACCO, consequently reducing fear. Currently, Aboriginal participants do not have a choice whether to access the Scheme and get an assessment through a culturally safe avenue. Enabling Independent Assessors to co-locate with ACCOs would provide greater choice and control for culturally safe services. This is one of the rights Aboriginal people with disability should be able to exercise to receive a safe service. Choice of service is important for Aboriginal participants regardless of location and culturally safe assessors should be deployed across ACCOs and Aboriginal Medical Services (AMSs) in all regions. Assessors must be available in urban, regional and remote areas. ACCOs are available throughout Victoria and across the country and their involvement in the assessment process greatly extends the availability of culturally safe Independent Assessors in regional rural and remote areas.

5.0 Where Independent Assessments are unable to be based within an ACCO, the assessor must have close links to an ACCO to ensure that the Aboriginal service user is assessed in a culturally safe manner. This ensures the functional impacts of each person's disability is captured in a holistic, empowering and

person-centred way. If there is not an Aboriginal assessor available, or there is no preference from the participant and a non-Aboriginal assessor has appropriate oversight, this is the next best option. Therefore, while it is ideal that there are identified Independent Assessors working out of an ACCO, other solutions include a non-Aboriginal assessor co-locating or working through the ACCO with strict cultural safety oversight provided. ACCOs need to be engaged in a partnership to determine how this could operate including appropriate remuneration for this role. VACCHO considers this option as most achievable given the low likelihood of Aboriginal Assessors working in mainstream organisations which have been contracted.

6.0 Where ACCOs have the will to host or oversee the work of an Independent Assessor, the NDIA should negotiate partnership with Aboriginal Jurisdictional Peak bodies, such as VACCHO, to offer an Aboriginal State-wide Independent Assessment service. As a self-determining, Aboriginal community-controlled organisation, VACCHO and other Aboriginal health and wellbeing peak bodies have the capacity to coordinate Aboriginal staff and monitor the cultural safety of the assessment process. There would need to be ongoing negotiation between the NDIA and jurisdictional bodies about the arrangement of a state-wide service, but VACCHO is confident that this is a viable option.

7.0 NDIS to designate a proportion of the Independent Assessment workforce as identified positions. Without commitment to a workforce target, there is not the accountability and motivation in the system to attract Aboriginal assessors. VACCHO recommend the NDIA adopt a formal position on this so it can be put into practice. This recommendation is important as there should be identified Aboriginal Independent Assessors who can be selected by participants. This will enable meaningful choice and control for participants when navigating the NDIS.

8.0 The NDIA workforce strategy must address the lack of Aboriginal and Torres Strait Islander workers in all aspects of the NDIS system. The strategy should recognise the need for training courses and programs to upskill Aboriginal people to take up emerging roles. It should also cover recruitment, employment, retention, professional development, training, career pathways and culturally appropriate supervision and mentoring for Aboriginal staff at all levels. The commitment to improving pathways should also include streamlined recognition of prior learning (RPL) processes and other mechanisms to enable people with lived experience and work experience in the sector to meet and exceed quality standards. Provision of cultural safety training for non-Aboriginal staff is necessary but not sufficient to embed cultural safety into NDIS systems and processes.

8.1 The NDIA workforce strategy must provide pathways for Aboriginal practitioners to become Independent Assessors. VACCHO agrees that Independent Assessors workforce should include health professionals with backgrounds such as social work, counselling, psychology, and occupational therapy. It is also important that Independent Assessors include eligible staff from multidisciplinary teams run out of ACCOs, including social and emotional wellbeing workforces. Independent assessors with a profound understanding of the complex psychosocial and environmental influences on Aboriginal people with a disability will be able to provide a more consistent, equitable assessment that better reflects the social model of disability.

9.0 The NDIA must partner with and fund ACCOs to develop and disseminate tailored, clear, localised, plain English communications to assist Aboriginal communities to navigate NDIS processes and engage with Independent Assessors. It is critical that the NDIA recognise that disengagement of Aboriginal people from the NDIS—especially at the initial stage of access to the NDIS—will lead to further entrenched marginalisation of Aboriginal communities and sustained poor health and wellbeing outcomes. Additionally, low engagement in areas such as plan usage reflect issues with understanding of Aboriginal participants and their needs, coupled with an issue of thin markets where there is a significant lack of culturally appropriate services.

10.0 The NDIA to undertake an in-depth review of the proposed Independent Assessments process and tools to ensure they can be delivered in a culturally safe manner and facilitate a strengths-based approach. The NDIA needs to undertake specific consultation with ACCOs, providers and Aboriginal people with disability with their carers, to stress-test the Independent Assessment process and seek feedback on its suitability. The online only, NDIS facilitated consultation sessions are not sufficient to meaningfully engaging Aboriginal people with disabilities and their carers in reform. The NDIA needs to account for a 'best practice' culturally safe assessment perspective and then determine how to best meet this with the existing framework. The percentage of NDIS Independent Assessment pilot participants who identify as Indigenous was disproportionately low: 1% and 4% respectively.^{vi} This is concerning because Aboriginal participants are facing heightened access issues and more often complex cases. It is critical that further changes to the NDIS improve access and are scrutinised; this could be achieved through direct engagement between the NDIA and jurisdictional peaks for Aboriginal health and wellbeing such as VACCHO. Aboriginal health peak bodies, such as VACCHO have direct communication with Aboriginal health and medical services offering NDIS services and can speak to the areas for further consideration for Aboriginal people with disabilities and their carers.

11.0 NDIS Reassessments and Plan Reviews should also be user-friendly, timely and person-centred—similarly capturing an individual's unique needs and expectations. The focus of the submission has been the necessity for culturally safe Independent Assessments. However, VACCHO also encourages the NDIS to consider the service user and their carers' ongoing experience and the way that reassessments might be best facilitated. Given the challenges to ongoing engagement of Aboriginal participants with the NDIS, and lack of resourcing for Access and Support workers, complications with reassessment could lead to disengagement of participants and risk of eligible people not receiving services. There is also a risk that an Aboriginal person experiencing disability and their carer cannot represent themselves and may not have someone in their informal support network who is able to communicate their needs in a way that makes sense to NDIS staff and fits the terminology of the scheme. This makes reassessment and plan reviews more difficult and predisposed to risk. VACCHO hope that with updates to the Scheme, reassessments and plan reviews can better meet the needs of participants and lead to optimal distribution of plan funding.

12.0 Time limits on Independent Assessments should be increased to enable building of rapport and catering to the needs of the participant. It is critical for the Independent Assessor and Aboriginal participant to develop rapport and a safe environment so the participant can disclose concerns and communicate their needs fully. As has been referenced by First People's Disability Network, for example, there is no term for disability in Aboriginal languages, with communities adopting strengths-based ways of describing people's functional abilities. Placing people in time-limited situations where they need to describe or illustrate their functional limits to a non-Aboriginal person or culturally unsafe practitioner will not lead to a culturally safe or supported environment or fair outcomes for the Aboriginal person. An Aboriginal person may push themselves to meet functional assessment targets to prove that they can take care of themselves or maintain hygiene, due to fear of shame or the potential interventions that may change the way they can interact with Culture, Community or family. The person may also disengage and withdraw due to fear, emotional or physical discomfort. VACCHO wants to ensure that all Aboriginal people who undertake an assessment are safe and supported with a role for their carer if applicable. Therefore, the NDIA should not place a limit on the timeframe for the assessment so assessors can tailor the approach to the individual.

13.0 The Independent Assessment toolkit should be continuously reviewed. Changes that are made to the tool to fit the needs and experiences of Aboriginal people should be integrated into the wider Independent Assessment system where possible and appropriate. The assessment process ultimately exists within a broader, overarching NDIS process—and Aboriginal voices, expertise and experiences must be embedded in and central to the entirety of the NDIS journey.

Next steps

When considering the implications of the proposed Independent Assessment approach for Aboriginal people with disabilities and their carers, VACCHO has prioritised tangible, clear approaches for the NDIA to take to ensure cultural safety of the service system and to support individuals to remain engaged with suitable services. VACCHO has considered that Independent Assessments are one critical component of the application process, and part of the overall consumer experience of the NDIS. In analysing the potential impacts of changes to the Independent Assessment process, VACCHO has considered other issues with the NDIS that must be addressed to achieve a better service for Aboriginal people.

In addition to the recommendations raised in the submission, VACCHO would like to see partnership between the NDIA and ACCOs to address the pitfalls of the Scheme. ACCOs are ready and willing to work with the NDIA to improve the system so it can offer meaningful choice and control for Aboriginal participants. We can also inform improvements to the assessment and plan development process to ensure that the cultural needs and aspirations of Aboriginal people are able to be recognised and integrated in NDIS plans. For many Aboriginal participants, this will include the choice to access services that are important that them from an Aboriginal provider and/or practitioner that are culturally safe.

VACCHO would like to see partnership between ourselves (and other jurisdictional peaks), ACCOs and the NDIA. This includes partnering with the NDIS Market Intervention and Commissioning (MIC) team to develop new trials and assess the best methods for overcoming the thin market for ACCO NDIS services. A priority for the partnership would be expanding the remit for market interventions. In Victoria, an identified market issue is in regional areas where there may be 1-2 non-ACCO providers that offer NDIS services; however, these providers are not culturally safe. Consequently, Aboriginal participants are resistant to accessing services and easily disengage from NDIS eligibility processes when discovering that the services their plan can fund are not offered from a culturally safe provider including the local ACCO. While on face value this might not be assessed as a critical area for a trial, it is a deficit in the NDIS Scheme that those Aboriginal participants do not have choice and control to access a culturally safe provider. There have been many submissions made to the NDIA about the issue of thin markets and lack of choice and control; however, recommendations have unfortunately not been implemented. This means significant numbers of Aboriginal people are going without NDIS services they are eligible for. VACCHO wants to ensure the voices of Aboriginal participants are heard and there is due consideration of how Coordinated Funding Proposals and Direct Commissioning could work for them so they can access services from ACCOs.

VACCHO would like to see the NDIA recognise the various weaknesses in the system and adopt a bigger picture view of how components such as Independent Assessments and plan utilisation fit together to enable improved access for vulnerable communities. Without improved communications about the Scheme, better training for Aboriginal workers and advocates and improved services from LACs, vulnerable people are not going to make it to the assessment phase. These issues must be considered and addressed when building this new assessment approach.

VACCHO anticipates that an established, meaningful partnership between the ACCO sector and the NDIA will lead to better outcomes for Aboriginal people. As experts in social, health and wellbeing programs, ACCOs have an innate understanding of how culture and self-determination can be embedded in initiatives to deliver positive outcomes for our community. We call on the NDIA to, in the spirit of partnership, engage with our questions and concerns about the Independent Assessment approach. We look forward to continuing this conversation about how our knowledge can be applied to improve the Scheme for Aboriginal people.

-
- ⁱ National Disability Insurance Scheme, *'Independent Assessments: Pilot learnings and ongoing evaluation plan'*, September 2020, 3.
- ⁱⁱ National Disability Insurance Scheme, *'Consultation Paper: Access and Eligibility Policy with independent assessments'*, November 2020, 5, < <https://www.ndis.gov.au/community/have-your-say/access-and-eligibility-policy-independent-assessments>>.
- ⁱⁱⁱ SBS News, 'Appeals against government NDIS decisions have spiked by more than 700 percent since 2016', Evan Young (9 October 2020), <<https://www.sbs.com.au/news/appeals-against-government-ndis-decisions-have-spiked-by-more-than-700-per-cent-since-2016>>.
- ^{iv} Australian Institute of Health and Welfare (2019) *Disability support for Indigenous Australians* <<http://www.aihw.gov.au/reports/australias-welfare/disability-support-for-indigenous-australians>>.
- ^v Australian Institute of Health and Welfare (2015) *The health and welfare of Australia's Aboriginal and Torres Strait Islander peoples* <<https://www.aihw.gov.au/reports/indigenous-health-welfare/indigenous-health-welfare-2015/contents/table-of-contents>>.
- ^{vi} National Disability Insurance Scheme, *'Independent Assessments: Pilot learnings and ongoing evaluation plan'*, September 2020, 23.