

SUMMER 3_Podcast

DG Hi, listeners, and welcome to reasonable and necessary, Australia's premier podcast series on everything you ever wanted to know about the National Disability Insurance Scheme.

I'm your host, Dr. George, and on today's episode, we're talking about the NDIS and housing.

Maybe you're ready to move out of the family home, or maybe you're living in a group home, or in a nursing home, and want to move somewhere better. We hope we can help you out, so stay tuned.

And who better than Penny Paul, information and connections coordinator at the Summer Foundation, to help us understand this rather complex area. Hey, Penny, how are you?

PP Hi, George.

DG Penny, housing, it's one of those really important things that we all need in our lives, and if you have a disability, it's often quite hard to find affordable and accessible housing. How is the NDIS going to help people in the area of housing?

PP Well, I think if you have a housing related goal, so for example, if you identify your planning meeting that you'd like to explore where you can live, who you can live with, and the kinds of supports that you'd need to live independently in the community, it's likely they'll give you some capacity building funding to work with support coordinator to look for appropriate for housing for you.

DG Okay, and that housing, is that housing in the community? So what kind of housing can you get funded by the NDIS?

PP So I guess the NDIS is supporting people to live an ordinary life, so we'd begin by looking at the ordinary housing options that are out there, so things like community housing, social housing, cooperative housing, public housing, home sharing, sharing with friends private rental, or I suppose if you're living with your parents currently and you're wanting a stepping stone to perhaps be more independent, to be independently, a movable unit or a bungalow might be a good place to start.

DG And that's really keen because I think that for people who live with their parents all their life, they're, it can be quite a big step to move out on their own and that's true for people without disabilities, but when you have a disability, often you might not realise how many kinds of, the type of support that your parents provide, you might not realise what that will look like if you live out on your own.

PP Yeah, and I think we've talked about this before, George, and talked about how going away for a week or a weekend from your parents to an accessible holiday destination

can help you really work out the types of supports that you need to live independently, day by day, week on week, and that's a really good place to start to find out what it would look like to live independently.

DG And there would be a confidence to know that you can do it.

PP I think confidence is key to this, housing is a really big deal and I think it's a lot to expect on your first plan to move out of home if you haven't moved out of home before because you might want to get confident with the support providers who you're working with, the individual support workers to really fill that you can move out and make living in the community independently a success.

DG All right, yeah, so you've got a housing plan, you're looking at some different options as a stepping stone, how about actually finding a house that you're going to live in? How does that work with the NDIS, so I understand that there's this term that I hate and it's called specialist disability accommodation, but that is effectively something that goes in your plan that will then fund the housing that you need, but not everyone will get SDA, will they?

PP No, SDA is a really quite a complicated area and I hate the term and I think we've spoken about this before, specialist disability accommodation.

DG And the word specialist, I hate the word specialist, and why accommodation? Why couldn't they just call it universal housing or something like that? But anyway-

PP Anyway, so that is an option for some NDIS participants, that is people with what they call an extreme functional impairment or participants who have a very high support need, we think only of maybe 6% of all NDIS participants will be eligible for specialist disability accommodation, but it's not like it's first come, first served, it's depending on the eligibility criteria as to whether you an individual would be it.

DG Okay, now we'll talk about that in a minute in terms of what those things mean, but the term extreme functional impairment, how do you know if your disability is just medium or high or in this case, extreme?

PP So that would suggest that even with assisted technology and with a really high level of support in your physical housing design, you still need a lot of support from a particular, from a person.

DG And it's also due to the fact that the NDIS will fund home or vocation, for example, but that might not be enough, yeah? The home odds might not be enough to enable you to live independently.

PP That's right, and you want to also have to have a home for that to be modified for home mods to work for you and that's the same with, so assistive technology assumes that you've got a housing arrangement, and of course, the NDIS is going to say, well, where do you live now? Why do you need to move from where you're living now or

what supports can be put in to make your current living situation more sustainable, so you really need to be anticipating those sorts of questions from the agency to be preparing your case for why you need something different.

DG Absolutely, and it's about saying, well, yeah, but we advocated for an NDIS and we advocated for reasonable and necessary support for people to live in a community, it's not acceptable that you should have to live with your parents your whole life or depend on them, so I think that it's really important what you just said, that what you have now could be better and it's not okay to have to live in a residential aged care facility, that needs to be at the forefront of your conversation.

PP It absolutely does, and look, we really think the NDIS is the best chance we've got for resolving an issue with young people in nursing homes, but be aware that your planner is unlikely, if they meet you in aged care, for example, would you be able to imagine them living in the community and if your parents or your supports or family have been part of the process of you going to aged care, they might have trouble thinking of you living outside of aged care as well, so I suggest that-.

DG And you might, and we know that people can become very institutionalised and think that this is all that will ever be, but with anyone listening to say, to think that, no, there can be better than what you've currently got.

PP There has to be, there has to be better options than young people living in aged care.

DG That's what we think, all right, so we've obviously been very much in our advocacy for appropriate housing, in our plan and lo and behold, we end up with an SDA payment in our plan, what do we do to actually find a house, because the payment is just a payment, it's not a house.

PP Yeah, so this is a whole new thing, isn't it, because the old way, you used to be offered a place in a shared home and that was your housing and your support, take it or leave it, whereas now you get support funding in your plan and you might get SDA funding in your plan, the funding itself will tell you what type of design category that you're funded for, so there are five design categories, there's basic, that's basically for old stock, current group homes, that sort of thing, not much, not much specialist design in the group home, there's improved liveability and that will be generally housing for people with a cognitive or sensory impairment, there's fully accessible housing, so that is going to be more accessible for people who use a wheelchair, there's robust housing that's for people, that's built to a really strong speck, it's got laminated glass, very tough walls-.

DG I think I need that, I always run my wheelchair in to things.

PP So perhaps if you've got behaviours of concern, robust housing would be the appropriate design category for you, and then there's high physical support, so the Summer Foundation's basically been building high physical support, but they're a whole, there are the other categories as well.

- DG And I understand that part of it is the fact that you could possibly have overnight on site assistance, so there are other options, apart from nursing homes where there can be assistance there 24/7.
- PP So George, I think you know more about the policy than I do, but certainly, in the policy, it sets out very clearly that on-site overnight assistance is there and provided for.
- DG That's right.
- PP The trick here is getting this in to people's plans, and to get that market up and running.
- DG Yeah, so you've established, well, it's not you establishing it, it's effectively a planner, isn't it, who needs to establish what level of payment and again, you've got it in your plan, but where do you find the housing?
- PP So there's a website called the Housing Hub.org.au.
- DG The housinghub.org.au, and that's a real estate type website?
- PP It is, it's got housing vacancies and it's got where they are and what design category they're built to, and it doesn't only have SDA, it's got other vacancies as well, it's got some group home vacancies, but the vacancies have been focused up until now in the northeast Melbourne area and they're starting to come online from the Hunter in New South Wales, but slowly, we will be developing that website and taking on more and more vacancies, it's definitely worth having a look at to see the sorts of things that are happening in the housing space for people with disabilities.
- DG And I actually went to that website and I saw some pretty nice looking houses and they don't necessarily look like your disability group houses, or some do, so of them look exactly what you'd expect, but yeah, there are some apartments that they're building in Fairfield and Richmond that look really nice, really fancy, a lot of people maybe think that they can't afford to live there, but with the SDA payment, in their plan, that won't cost them anything more than what is it? 25% of the DSP?
- PP And 100% of any Commonwealth rent assistance that you're entitled to.
- DG That's really affordable.
- PP It sure is.
- DG So tell me then, once people have had a look at the website, they think that they found the right place to live, what next?
- PP So we're thinking of going back to the NDIS and be probably asking for the supports that you need to transition from wherever you're living now in to that new housing that you found, you need to enter in to a service agreement with the provider, you

need to look at your tenancy obligations and think about finding doctors, medical systems in the area that the house is in, you need to do a whole lot of preparation to make sure that housing transition is successful for you.

DG Okay, and if there's someone who's listening to this and they're currently in an inappropriate housing or they're really desperate to move out of where they're currently living, they might be in aged care facility or something like that, what are some pieces of advice that you might give them in terms of taking that first step to independent living?

PP Probably when you went in to aged care, it was because of there were no other housing options available, well, I want to tell you there are new housing options coming online, the government's committed a huge amount of money over the next decade for this form of housing for people with really high needs, so it's time to feel hopeful and it's time to start looking and getting a good team around you to work out how to move out of aged care in to housing, back in to the community.

DG I think that's excellent advice, now seeing an NDIS planner had something in there that talked about a housing plan and talked coordination for that, what's that about?

PP So if you get capacity building funding in your NDIS plan to help you investigate your housing solutions that used to be called explore your housing options, either way, it's funding to work with you to exhaust all the possible mainstream housing options that might be suitable, if they don't work, it might be about getting some assessments from allied health professionals to say the type of housing support you need and for that allied health professionals to indicate which design category of housing would best suit you, and that's all written up by your support coordinator in your housing plan and it's your housing plan that you take to your next NDIS planning meeting and that's what you use to test your eligibility for SDA, information that is the evidence which they'll make the decision as to whether you're eligible for SDA.

DG And I understand there's some info on the Summer Foundation website that can help people to work out how to develop their housing plan.

PP Yeah, there is and I'd start with my housing preferences which is something we developed for NDIS participants and that's really, you can start doing that any time and we've got some resources up there for allied health professionals and support coordinators to work their way through and help them participant through their eligibility first and how to run a house.

DG And that's on the Summer Foundation website which is summerfoundation.org.au.

PP That's right.

DG Thank you, Penny, for helping us to understand NDIS and housing and I really appreciate you telling us all this very helpful info.

- PP Thanks, George.
- DG And it's time for our regular segment, is that reasonable and necessary, and we've got Chris Thwaites who's going to talk to us about gym memberships and whether they are reasonable and necessary.
- CT Hi, George. G'day, listeners.
- DG Gym memberships-.
- CT I know, right?
- DG This is really interesting to me because you and the government were really keen to see people get fit and healthy and all gym memberships, really, wouldn't they and surely, surely gym memberships are reasonable and necessary.
- CT Well, I'll give a stand lawyer answer to something like that which is that depends, George, the government doesn't pay for everybody's gym memberships, so you're starting in that environment.
- DG Okay, so that goes back to the criteria.
- CT Yeah, so if you were asking for a gym membership fees to be paid as a reasonable and necessary support, you'd need to go back to what we'd been talking about before which is first, you look at section 34 and the sort of things that have to be addressed in relation to that and that's that whole list of things we've talked about.
- GD Yes.
- CT You've also got to read that in relation to the rules that talk about the things that they won't fund, so on the one hand, you look at how you describe things on they might fund and the things that they won't fund.
- DG So in terms of gym membership, the idea of it not to fund it would fall under what part of the reasonable and necessary, is that one that talks about the fact that it's not disability related or-?
- CT Well, you could talk, you could think about it in a number of ways, but certainly, under the rules where it says the support will not be provided or funded for is if it's not related to the participant's disability, or it relates to day to day living costs that are not related to their participants support needs, so there's a number of ways that they could approach it, but that's certainly where, where you think that they might start to make decisions.
- DG And this is why the gym membership issues are interesting because for people who have mobility impairments or even mental health issues, regularly participating in the gym is in many cases you would think have positive outcomes that are related to

issues that are effected by their disability, so their mobility, their levels of being able to do things for themselves

CT Their capacity to stay as independent as possible, absolutely, so there's been a relatively recent AA case on this, a decision from the AAT that was handed down in May this year that talks about gym memberships, so that's a great case to have a look at if people are interested in this, it's a relatively short decision that's only four or five pages long, you can find it on the AAT website or you can find it on the government case law website, there's a number of them, AustLii is one you can find it on and it's worth a read because it talks you through why, what the tribunal will look at in relation to reasonable and necessary.

DG Absolutely, and it's virtually for you and I, but the average listener might not really find the time to do that, can you maybe give us a bit of a synopsis of what the AAT decided?

CT Okay, so this was a participant who'd asked for her annual gym membership to be paid, as well as fortnightly physiotherapy sessions to be paid for, and the initial decision was no, we're not going to pay for those, and this person then took it to an internal review and then ended up in the AAT, asking for the AAT to review the agency's decision. Now as we talked about in the past, I think one of the strengths of this decision talks about how the reasonable and necessary support was linked to the person's plan and the goals in that plan, so one of the goals in that plan was to maintain and build capacity regarding the physical strength and subsequent level of independent mobility by continuing to attend the gym.

DG So that got through as a goal.

CT That got through as a goal, so that gives you an idea of the sort of goals that you can put in your plan, but also then how you can relate to how to make those gym memberships reasonable and necessary because they relate to your goal, so it's about setting your plan up well in the first place and then how you trace that and the supports you might need to achieve your goal.

DG Okay, so what was the decision, Chris?

CT Well, interestingly and this is another example why this decision is another example of how things can work, is that when they were going through the process of the AAT, at the AAT, you have compulsory conferences that get the parties together to try and work out whether they can resolve this matter, the agency actually moved to before the hearing, before there was a hearing, the agency actually moved in relation to the decision and started to say, okay, well, we can see that there's something here, we will start to pay certain levels of this gym membership, we will agree to pay for certain amounts of the physio sessions as well, so there were some concessions made by the agency before they even got to a hearing.

- DG And do you think that as an insurance model, that the NDIS should be thinking about the long term costs, so for example, if you have a person who really is keen to be a regular gym participant, and that will lead to all sorts of positive outcomes, that would engage less in the long run and that person will probably need less one on one support.
- CT Yeah, and that's the nature of the whole principles undermining, undermine, underpinning the whole agency, there is this insurance model that in the long run, it costs less if you put the supports in up front, so that absolutely is a good argument to say that these sorts of supports should be funded, but again, the agency has a responsibility to make sure that their budget and the funding doesn't blow out as well, so in this particular case, again, this person had really good supporting reports from her allied health professionals who talked about what a difference her gym membership made, so it wasn't just about having a gym membership, it was about what was the effect on her and her capacity to stay as independent as possible, using this gym membership and the physiotherapy sessions as well, so those reports were really helpful in getting this outcome.
- DG Okay, now I'm going to take the other side now because I think that that's important because there'll be listeners who are thinking, hang on, I have to pay for my gym membership, why should this person get their membership for free, and also I don't know if this person is on the DSP or has some income support, the argument could be that they should be using their income support to pay for a mainstream support or a mainstream service such as a gym membership, what would you say back to that?
- CT And that's an argument that probably would be relevant and effective for a lots of gym memberships, it was very much about the personal circumstances of this person at the time, she linked it to her goals and supports in her plan, but also had a lot of evidence about why this particular, the exercises that she did that were encompassed in this gym membership actually related to her disability and related to her goals.
- DG I think that it's a really interesting example and you've been very helpful in helping us understand it, are there any last things that you'd like to mention about whether or not a gym membership is reasonable and necessary?
- CT Well, I think generally, gym memberships are terrific for everybody, but the government's not going to pay for them for everybody, so you've really got to be very clear about why your particular gym membership relates to your goals and why it is a reasonable and necessary support for the agency to pay for, so you've really got to link it in with some specific evidence about you and your circumstances.
- DG I think that's excellent advice. Thank you, Chris.
- CT No worries, George, thank you.
- DG That's all we have time for on today's podcast of reasonable and necessary, brought to you by the Summer Foundation. Follow us on Facebook at building better lives.

To hear the next podcast as it's released, you can also access a transcript and keep up to date with our latest info on the NDIS.

I'm Dr. George, and until next time, stay well and reasonable.

END OF TRANSCRIPT