



# Independent Assessments Brief and Summer Foundation Position

29 September 2020

## Background

Functional capacity is one of the key factors in determining eligibility for the NDIS. Functional capacity is the ability to be involved in different areas of life like home, school, work and the community and to carry out tasks and actions. It considers other factors in a person's environment that may impact day-to-day life.

Currently an NDIS participant or someone who is seeking to gain access to the NDIS is required to provide their own assessments. The problems with the current process are:

- Can be difficult, slow and costly, especially for people who are yet to gain access to the NDIS
- Lack of standardisation of the assessment instruments used can result in inconsistent and inequitable outcomes for participants
- Potential for a conflict of interest and bias resulting from reports from providers who stand to benefit from additional funding being made available in their client's plan
- Wide variability in allied health professionals understanding of NDIS legislation can impact a person's access to the NDIS and plan outcome

The NDIS Tune review recommended the NDIA introduces assessments for prospective participants for the purposes of decision-making, using NDIA-approved providers.

The assessors will be drawn from a panel, which is being established through a competitive tender process. The assessors will conduct the assessments using standardised assessment tools chosen by the NDIA.

The NDIA has said the assessments will be conducted independent of the Agency as well as independent of the individual to provide an objective and unbiased assessment of a person's functional capacity and support needs.

NDIA delegates will still be making decisions about a person's access to the NDIS, and about what is funded in a participant's plan. The NDIS participant can still be involved in informing decisions about the plan by submitting additional reports and assessments.

Potential problems with independent assessors:

- Being assessed by a stranger can be physically and emotionally difficult and traumatic, especially if NDIS participants are required to be assessed repeatedly
- Ombudsman reports have shown that some workers compensation insurers have chosen independent assessors who are more likely to recommend terminating or minimising supports. There is a risk that such bias may occur with NDIA appointed independent assessors without appropriate measures to address conflicts of interest
- Without independent governance and oversight, there is a risk the training may be biased towards producing reports that will reduce the costs to the scheme
- There may be additional delays as a result of requiring independent assessments
- Cognitive and psychosocial issues are poorly addressed in the battery of tools being proposed, according to OT Australia

## Summer Foundation Position

The Summer Foundation is aware of problems with the current system, particularly for people stuck in hospital, where the onus is on them to gather assessments in order to gain access to the NDIS. We want to see the NDIA take action to enable fast, fair and equitable decisions and these decisions need to be made with a strong evidence base. This requires NDIA funded and well-trained assessors who have experience working with people with disability.

However, we believe the decision by the NDIA to introduce independent assessors across the board and to make this compulsory was made without sufficient consultation with people with disability.

We are concerned about the quality of the assessments that can be provided by assessors who are not familiar with the individual. We know that it can take time and experience working with a person in order to have a full picture of their functional capacity and of what support they need. Without this experience and knowledge, assessments may not be an accurate representation of the functional capacity of the person being assessed.

Here are the concerns of a NDIS participant:

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*"...my therapists know my needs and they know my family and my home setting. My therapists have a well-rounded knowledge of my history because they have worked with me for a long time. My therapists see me regularly so they can talk about the capacity I have built since the last plan.*

*I don't feel like the assessor will know me well enough to know what I need or possibly understand my speech as I am often difficult to understand if you don't know me and that makes me feel uncomfortable, embarrassed, frustrated and vulnerable. They may then assume that I don't have the required cognition to answer them or know what I need. I am uncomfortable having someone unknown to me, assessing me and my needs and they might not get the whole picture of what I need including transport, home mods etc.*

*They won't know how I am in other settings and won't offer what I require to be independent. I would feel worried that I might not have what I need in the future.*

*I would feel intimidated by having a person who doesn't know me making decisions about my life."*

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We also know that people can present very differently day by day, depending on whether they are having a 'good day' or a 'bad day.' Such assessments may not give an accurate picture of the person's needs.

Furthermore, while we know that a person's circumstances and support needs may change, we do not believe that it is fair, necessary or an appropriate use of public funds to subject a person with a permanent disability to multiple and recurring assessments.

Therefore, we recommend the following:

- The NDIA should introduce optional independent assessors to reduce the cost and burden to the individual who without this would have to continue arranging and paying for their own assessments
- The NDIA should guarantee that participants will also have the option to provide reports and assessments conducted by their preferred allied health practitioner and these will be funded by the NDIA
- The NDIA should invest in building the capacity of allied health practitioners and make available the training modules that it is developing for independent assessors to all allied health practitioners working with NDIS participants. This will assist with transparency and increase the consistency and reliability of allied health assessments
- The NDIA should make available the report from the pilot research project into independent assessments for public consideration and to inform policy
- In line with the recommendations of the Tune review, the NDIA should consult with people with disability and other disability experts on the Independent Assessments Framework
- The NDIA should ensure the governance of Independent Assessments includes people with disability and others with disability knowledge and expertise including disabled persons organisations