



## Western Australian Market Review (NDIS)

**Leanne Pearman**

Co-CEO

[l.pearman@waindividualisedservices.org.au](mailto:l.pearman@waindividualisedservices.org.au)

0408 672 205

**Su-Hsien Lee**

Co-CEO

[s.lee@waindividualisedservices.org.au](mailto:s.lee@waindividualisedservices.org.au)

0499 747 404

# Existing WA Service Delivery Models and the NDIS

## **Background: WA's Individualised Services (WAiS)**

Western Australia's Individualised Services (WAiS) is a member-based community organisation working in partnership with people, families, service providers and government agencies to promote and advance individualised, self-directed supports and services for people living with disability, including psychosocial disability.

Since our inception in 2010, we have evolved to become thought leaders in this space, providing comprehensive, intentional support with integrity, passion and authenticity at our core. By leveraging our extensive local, state, and international network, we seek to lead, influence, innovate and inform to create meaningful and lasting change, supporting people to build capacity and live their lives on their own terms.

Unlike any other organisation, we partner and work with all sector stakeholders, as well as providing vital links, ensuring that disability services respond to the unique needs of people. We work to ensure that people can access and navigate the services and the sector to achieve their goals.

WAiS is the only organisation that has a specific focus and purview of supporting and developing the capacity of people, families, service providers, Local Co-ordinators and government, specifically in the area of individualised, self-directed supports and services.

A significant and growing area of our work is providing information and support, to people, families, and service providers, in relation to the legal considerations and obligations for people to design, develop and manage individualised support arrangements, including Homesharer, Co-residency, Host family, Flat-mate, or Mentor. This support extends to models of management such as Self-management or Shared-Management. People who self-manage receive their funding directly from the funder and have the option to privately employ their own workers with this funding. People who share manage work in partnership with a service provider. An arrangement is negotiated and built upon a partnership between the provider and the person to support the person to privately employ their own workers, if they choose this option. WAiS provides information and supports to both providers and people who self or share manage encompassing areas such as Industrial Relations, Taxation, Superannuation, Workers Compensation and Occupational Health and Safety. WAiS provides this support in a variety of methods and formats to ensure responsiveness and

accessibility of the information and support by the person, family or provider.

WAI S membership has a focused group of people and their families and service providers who are committed to individualised supports, and people having choice and control in their life. WAI S member organisations have over 20 years' experience in supporting people to privately, and successfully employ their staff in their homes.

### **Focus of this Submission**

Given WAI S role and expertise, this submission focuses on responding to a key question outlined on page 16 of the Issues Paper:

*Whether the existing NDIS support catalogue, and the price controls and associated rules set out in the NDIS Price Guide, can accommodate existing Western Australian service delivery models (including innovative support options) that have been proven to be efficient and effective, and what modifications, if any, to the NDIS support catalogue, and the price controls and associated rules set out in the NDIS Price Guide, are required to accommodate the existing proven Western Australian service delivery models.*

WAI S intends to focus on two key service delivery models:

- Individualised Living arrangements; and
- Shared Management.

### **Individualised Living Arrangements**

WAI S is concerned that systemically, the NDIA might inadvertently reduce peoples' choice and control as they transfer or transition into the NDIS. In particular, WAI S is concerned about numerous people who are living in one of a range of highly individualised supported living arrangements, with many of these having been in place for many years.

Some of the range of individualised arrangement that exist include:

- A living alone arrangement refers to an arrangement where a **participant lives in their own home** and chooses to live alone. Given that the participant is living alone, it is crucial that the right supports are in place, covering the full spectrum of formal and informal supports. Formal or other supports (such as on-call supports, drop-in supports, etc.) can be tailored to meet the needs of the participant.
- Co-residency or home sharing refers to arrangements where a **participant lives in their own home** with one or more people who provide some support and companionship in exchange for free rent, subsidised rent or other forms of payment.
- Host arrangement involves a **participant living in someone else's home (the host)**. Hosts provide support and companionship in exchange for board and lodging (paid by the participant through their disability pension or other form of self contribution), re-imbusement or other forms of payment.
- A living together arrangement refers to a **participant living in their own home** with someone (with or without disabilities) that they have an existing relationship with (friendship, familial or intimate). There is no payment incentive for the person sharing the home with the participant. Participants usually rely on formal supports (on-call supports, drop-in supports, etc.) to supplement this arrangement.

The NDIS currently does not have a suitable mechanism for appropriately costing these individualised living arrangements. The Supported Independent Living (SIL) tool fulfils the function of costing for people living in grouped accommodation, or rostered 24/7 staff only, and the Activities of Daily Living (ADL) tool is not an appropriate tool for assessing the reasonable and necessary support needs of people living in flexible individualised arrangements.

In 2018, WAiS (with other WA Service Providers and Self Managers) proactively developed an Individualised Living Costing Tool and presented it to the NDIA for consideration. Whilst this tool was not suitable to meet 'Reasonable and Necessary' guidelines, it led to NDIA initiating The WA Individual Living Options project, by NDIA in WA. This project is being undertaken as a practical example of the Contemporary Practice and Innovation strategic approach which is currently being developed by the NDIA. The intention is to develop a fit for purpose funding mechanism that will enable these options to be brought into the Scheme in an effective, consistent and sustainable way initially in WA and then in other jurisdictions.

A series of workshops with selected experienced providers, participant representatives and NDIA staff were conducted with the aim of co-designing an appropriate process and costing tool. WAiS has actively driven, participated and, contributed throughout the project from both a practical and legal perspective in terms of the design, delivery, managing and safeguarding of Individualised Living arrangements.

The outcome of the workshops was the design of the WA Individual Living Option template. This was and continues to be developed and trialed by

providers and self managers as a data collection process that is critical to analysing the effectiveness and sustainability of these options within the Scheme, with NDIA then seeking approval of the approach of a quote process for funding, which would be used across Australia. The template is now ready for wider application to enable collection of data and further refinement. WAiS is keen to see this project come to fruition across Australia.

Any tool needs to be able to provide:

- An objective and consistent method to determine whether the amount of funding being requested is 'reasonable and necessary' given the disability specific related support needs of the person
- Information about what support the funds are purchasing
- Information about how the support links to the goals in the participant's plan

For self-managers, or service providers who use individualised approaches for service design and delivery, it needs to:

- Provide a measure of flexibility to use funds responsively with people whilst aligning with their plan
- Recognises that it is possible to provide support for people to live in the community "24/7" without "rostered hourly paid support" and reflect more community based flexible supports
- Ensures there is a level playing field for people who choose individualised living arrangements rather than group homes. Processes, levels of funding and rules should apply equitably across both choices of group home and individualised living arrangements.
- Enables the NDIA to support individualised living arrangements as well as group living arrangements.

If the Scheme does not systematically support participants' rights to exercise a measure of choice about their living arrangements, then the NDIS would have missed a great opportunity to create genuine reform and would not be supporting the intent of the NDIS and its legislation. Anything that works as a systemic impediment to achieving such outcomes should be addressed.

WA wants to preserve the individualised flexible support arrangements it has offered to people for many years, as well as build on the contemporary and innovative ways that people can get the supports they want and/or need, either as a Self-Manager, or with Agency Managed supports.

Individual living arrangements usually result in improved outcomes for participants and can often be more cost effective compared to alternative models of support. It is estimated there are at least 600 – 1,000 Individual Living arrangements in Western Australia supported by approximately 20

organisations with a small number of options that self-managed.

## **Shared Management**

Shared Management clarifies what it means to be in control. To be in control, or to direct your own support does not have to mean having to manage and be responsible for all tasks and funding. It does mean being heard and respected and having a say in the design and delivery and management of the support arrangement. In the main, with Shared Management, the participant or their family directly engages their own supports and services. Support persons are not the employees of their support organisation with which they have a partnership.

Shared Management, as a partnership between participants, their families and support organisation, is an honest and transparent mechanism to:

- Understand and participate in the range of tasks involved in designing, planning, setting up and managing supports and services; and,
- Define an agreement between participants, their families and support organization about who is responsible for each task associated with setting up and managing supports and services.

Key elements:

*1. Participants engage their own supports*

- a. Formally being the “employer” of supports
- b. Associated responsibilities could include advertising, recruiting, inducting, training, supervising

*2. Co-ordination of supports*

- a. Organising and managing the schedule of supports
- b. Associated responsibilities could include managing timesheets, developing backup and safeguard plan for participants and support staff

*3. Service Management supports\*\**

- a. Key aspect of the partnership between organisation and individual: A development and capacity building role that provides continuous support and advice
- b. Associated responsibilities could include information, advice, guidance, building capacity, transition planning, safeguarding (eg, sustainability of support arrangements, back up plans)

#### 4. *Responsibilities to the funder*

- a. Ensuring compliance with funder requirements
- b. Associated responsibilities could include budget monitoring, maintaining records, financial auditing, standards compliance, reporting

#### 5. *Bureau services*

- a. Legal and regulatory implications and compliance associated with being an employer
- b. Associated responsibilities could include payroll, taxation, superannuation, industrial relations, insurance cover, work health & safety, human resources management (recruitment, training, supervision, etc)

**\*\*Service management supports (3) is a critical and distinct element in Shared Management focused on continuous capacity building towards increasing participants capabilities for independence. It is a dynamic process between co-ordination of supports (2) and service management support (3) dependent on both the capabilities and capacity of a participant at any one time. The ability to undertake these roles requires a key skillset.**

Shared Management is a “living” process and approach. The mix and match of responsibilities undertaken by the participant, their family and their support organisation is not only dependent on the choices made by the participant and agreement made between the participant, their family and their support organisation but also by their circumstances at any one time. As such, the mix and extent of responsibilities may ebb and flow overtime depending on both the capability and capacity of the participant.

Service management supports, therefore, recognises that despite the intent of building capacity, there may be times when individuals or their family members may need to lessen their responsibilities until they are ready to increase them again. It is the flexibility of the arrangement that is critical in this space and provides a welcomed safety net and assurance to people and families. For many people, Shared Management is a stepping stones to self management. Lastly, a key benefit of Shared Management that distinguishes it from Plan Management is the demand for shared coordination support.

#### **How it Aligns with the Objectives and Principles of the NDIS Act**

In the Table below, we’ve summarised our analysis of how the five Shared Management Principles support and promote the Intentions of the NDIS as these are set out in Sections 3, 4 and 5 of The NDIS Act. While we acknowledge that some people might debate some of the conclusions we’ve reached, we believe that the overall conclusion that Shared Management aligns with, supports and promotes the Intentions of the NDIS is unambiguously clear and beyond dispute.

Shared Management Principle	Objects of NDIS Act (Section 3)	General principles guiding actions under this Act (Section 4)	General principles guiding actions of people who may do act or things on behalf of others (Section 5)
<p>Shared Management is a partnership built on mutual respect in which the person or their family member is the leader. Both parties will treat each other openly, honestly and fairly.</p>	<p>1a – In conjunction with other laws, give effect to Australia’s obligations under the <i>Convention on the Rights of Persons with Disabilities</i> done at New York on 13 December 2006</p> <p>1e – Enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports</p> <p>1g – Promote the provision of high quality and innovative supports that enable people with disability to maximise independent lifestyles and</p>	<p>4 – People with disability should be supported to exercise choice, including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports</p> <p>6 – People with disability have the same right as other members of Australian society to respect for their worth and dignity and to live free from abuse, neglect and exploitation</p> <p>7 – People with disability have the same right as other members of Australian society to pursue any grievance</p> <p>8 – People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity</p> <p>9 – People with disability should be supported in all their dealings and communications with the Agency so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs</p> <p>10 – People with disability should have their privacy and dignity respected</p>	<p>A – People with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves</p> <p>B – People with disability should be encouraged to engage in the life of the community</p> <p>C – The judgements and decisions that people with disability would have made for themselves should be taken into account</p> <p>D – The cultural and linguistic circumstances, and the gender, of people with disability should be taken into account;</p>

	full inclusion in the community	<p>12 – The role of families, carers and other significant persons in the lives of people with disability is to be acknowledged and respected</p> <p>13 – The role of advocacy in representing the interests of people with disability is to be acknowledged and respected, recognising that advocacy supports people with disability by:</p> <ul style="list-style-type: none"> <li>(a) promoting their independence and social and economic participation; and</li> <li>(b) promoting choice and control in the pursuit of their goals and the planning and delivery of their supports; and</li> <li>(c) maximising independent lifestyles of people with disability and their full inclusion in the community</li> </ul> <p>15 – Innovation, quality, continuous improvement, contemporary best practice and effectiveness in the provision of supports to people with disability are to be promoted</p>	E – The supportive relationships, friendships and connections with others of people with disability should be recognised
Shared Management is built on recognising the person’s expertise in guiding and organising their own life. This includes the person’s decisions about how much responsibility they have in the Shared Management arrangement.	1e – Enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports	<p>4 – People with disability should be supported to exercise choice, including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports</p> <p>6 – People with disability have the same right as other members of Australian society to respect for their worth and dignity and to live free from abuse, neglect and exploitation</p> <p>8 – People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives</p> <p>11(c) Develop and support the capacity of people with disability to undertake activities that enable them to participate in the</p>	<p>A – People with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves</p> <p>B – People with disability should be encouraged to engage in the life of the community</p> <p>C – The judgements and decisions that people with disability would have made</p>

		<p>community and in employment</p> <p>14 – People with disability should be supported to receive supports outside the National Disability Insurance Scheme, and be assisted to coordinate these supports with the supports provided under the National Disability Insurance Scheme</p> <p>15 – Innovation, quality, continuous improvement, contemporary best practice and effectiveness in the provision of supports to people with disability are to be promoted</p> <p>16 – Positive personal and social development of people with disability, including children and young people, is to be promoted</p>	<p>for themselves should be taken into account</p> <p>D – The cultural and linguistic circumstances, and the gender, of people with disability should be taken into account;</p>
<p>Shared Management arrangements support and expand the person’s autonomy, capability and right to participate as a full citizen in all aspects of society and community.</p>	<p>1a – In conjunction with other laws, give effect to Australia’s obligations under the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 1c – Support the independence and social and economic participation of people with disability</p> <p>1e – Enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery</p>	<p>1 – People with disability have the same right as other members of Australian society to realise their potential for physical, social, emotional and intellectual development</p> <p>4 – People with disability should be supported to exercise choice, including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports</p> <p>7 – People with disability have the same right as other members of Australian society to pursue any grievance</p> <p>8 – People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity</p> <p>11(a) Support people with disability to pursue their goals and maximise their independence</p> <p>11(b) Promoting choice and control in the pursuit of their goals</p>	<p>A – People with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves</p> <p>B – People with disability should be encouraged to engage in the life of the community</p> <p>D – The cultural and linguistic circumstances, and the gender, of people with disability should be taken into account</p> <p>E – The supportive relationships, friendships</p>

	<p>of their supports</p> <p>1g – Promote the provision of high quality and innovative supports that enable people with disability to maximise independent lifestyles and full inclusion in the community</p>	<p>and the planning and delivery of their supports</p> <p>11(c) Develop and support the capacity of people with disability to undertake activities that enable them to participate in the community and in employment</p> <p>13 – The role of advocacy in representing the interests of people with disability is to be acknowledged and respected, recognising that advocacy supports people with disability by:</p> <ul style="list-style-type: none"> <li>(a) promoting their independence and social and economic participation; and</li> <li>(b) promoting choice and control in the pursuit of their goals and the planning and delivery of their supports; and</li> <li>(c) maximising independent lifestyles of people with disability and their full inclusion in the community</li> </ul> <p>14 – People with disability should be supported to receive supports outside the National Disability Insurance Scheme, and be assisted to coordinate these supports with the supports provided under the National Disability Insurance Scheme</p> <p>15 – Innovation, quality, continuous improvement, contemporary best practice and effectiveness in the provision of supports to people with disability are to be promoted</p> <p>16 – Positive personal and social development of people with disability, including children and young people, is to be promoted</p>	<p>and connections with others of people with disability should be recognised</p>
<p>The person or their family member can decide how their funded resources and services can</p>	<p>1a – In conjunction with other laws, give effect to Australia’s obligations under the Convention on the Rights of Persons with</p>	<p>2 – People with disability should be supported to participate in and contribute to social and economic life to the extent of their ability</p> <p>3 – People with disability and their families and carers should have certainty that people with disability will receive the care</p>	<p>A – People with disability should be involved in decision making processes that affect them, and where possible make decisions for</p>

<p>best be used and organised. The person or their family member has the right to change their mind.</p>	<p>Disabilities done at New York on 13 December 2006 ([2008] ATS 12)</p> <p>1e – Enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports</p> <p>1g – Promote the provision of high quality and innovative supports that enable people with disability to maximise independent lifestyles and full inclusion in the community</p>	<p>and support they need over their lifetime</p> <p>4 – People with disability should be supported to exercise choice, including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports</p> <p>7 – People with disability have the same right as other members of Australian society to pursue any grievance</p> <p>8 – People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity</p> <p>9 – People with disability should be supported in all their dealings and communications with the Agency so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs</p> <p>11a – Support people with disability to pursue their goals and maximise their independence</p> <p>11b – Promoting choice and control in the pursuit of their goals and the planning and delivery of their supports</p> <p>11c – Develop and support the capacity of people with disability to undertake activities that enable them to participate in the community and in employment</p> <p>13 – The role of advocacy in representing the interests of people with disability is to be acknowledged and respected, recognising that advocacy supports people with disability by:</p> <p>(a) promoting their independence and social and economic participation; and</p>	<p>themselves</p> <p>B – People with disability should be encouraged to engage in the life of the community</p> <p>C – The judgements and decisions that people with disability would have made for themselves should be taken into account</p>
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The person or their family member is the employer of paid support	1e – Enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports	<p>2 – People with disability should be supported to participate in and contribute to social and economic life to the extent of their ability</p> <p>4 – People with disability should be supported to exercise choice, including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports</p> <p>6 – People with disability have the same right as other members of Australian society to respect for their worth and dignity and to live free from abuse, neglect and exploitation</p> <p>9 – People with disability should be supported in all their dealings and communications with the Agency so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs</p>	<p>A – People with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves</p> <p>C – The judgements and decisions that people with disability would have made for themselves should be taken into account</p>

		15 – Innovation, quality, continuous improvement, contemporary best practice and effectiveness in the provision of supports to people with disability are to be promoted	
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**Final Comments**

WaiS is aware that a number of service providers are providing submissions to the WA Market Review, many of whom will submit in relation to preserving Shared Management and Individualised Living arrangements. Providers will be able to provide the depth of practice experience in support of WaiS submission.