



# Home and Living decision-making

## Policy Position Statement by the Summer Foundation

October 2022

### Introduction

The National Disability Insurance Scheme (NDIS) provides funding for more than half a million Australians with disability. Funding decisions must be made in line with individual needs and preferences as well as the [NDIS legislation](#). NDIS supports should empower NDIS participants (participants) to live an ordinary life,<sup>1</sup> reach their full potential and participate in society on an equal basis with other Australians.

The National Disability Insurance Agency (NDIA) has renewed its focus on [Home and Living](#) decision-making and on improving experiences and outcomes for participants who require Home and Living supports.<sup>2</sup> This includes the commitment to making significant improvements to the Home and Living Panel's decision-making processes.<sup>3</sup>

It is critical that the right decision is made in the first instance, on Home and Living funding, as this will ensure participants are able to live well in the community, in housing and with supports that meet their needs. Good decision-making also contributes to the ongoing sustainability of the NDIS. Decisions that provide supports that build participants' capacity and independence over time, reduce participants' support costs in the long-term.

### Key messages

- Home and Living decision-making processes must be straightforward and transparent. Participants and their supporters, including allied health professionals (AHPs), support coordinators, family and close others, need to have clarity on what to expect from, and what to provide to, the NDIA.
- Fair approaches to decision-making on reasonable and necessary supports actively enable choice and control and allow participants to live an ordinary life, in line with the NDIS legislation.
- Timely and accurate decisions on housing and supports contribute to better long-term outcomes for participants and NDIS sustainability.

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<sup>1</sup> National Disability Insurance Agency (2021) 'How we think about an ordinary life when deciding on supports to include.' Link [here](#).

<sup>2</sup> National Disability Insurance Agency (2022) 'Government Improving Home and Living Supports for NDIS Participants, Including Supported Independent Living.' Link [here](#).

<sup>3</sup> National Disability Insurance Agency (2022) 'NDIS Quarterly Report to disability ministers: 30 June 2022' p81. Link [here](#).

## Background

Home and Living supports enable participants to live independently in the community and have choice and control over where, how and with whom they live. The NDIA is currently co-designing a Home and Living Policy<sup>4</sup> that will inform the way the NDIS enables participants to pursue their Home and Living goals.<sup>5</sup> One component of the Home and Living Policy is Specialist Disability Accommodation (SDA), which provides long-term, accessible housing for approximately 6% of participants with extreme functional impairment and/or very high support needs. SDA is funded based on the functional capacity and needs of participants and is designed to enhance the lives of participants by providing housing that meets individual needs.

There is currently a disconnect between the NDIS legislation (including the [SDA Rules](#)) and the way in which the NDIA Home and Living Panel makes funding decisions. The NDIA has been working to improve its approach to Home and Living decision-making to enable the timely and accurate provision of funding for supports. Notable recent improvements include:

1. The enactment of the [National Disability Insurance Scheme Amendment \(Participant Service Guarantee and Other Measures\) Act 2022 \(Cth\)](#) (NDIS Amendment Act). The NDIS Amendment Act put the NDIA's [Participant Service Guarantee](#) (PSG) into legislation, meaning the NDIA now has a legal responsibility to uphold certain standards, including time frames for NDIS planning and approval processes. This provides participants with greater confidence and clarity around what they can expect from the NDIA.
2. The NDIA's new Home and Living [supporting evidence form](#) incorporates Home and Living decisions into 3 statutory planning phases: Participant Requested Review, Agency Initiated Plan Review and Scheduled Plan Review. This aims to simplify the NDIA's processes and ensure more efficient, timely and accurate Home and Living decision-making.
3. The [Participant Service Improvement Plan](#) includes a range of improvements expected to be delivered this year by the NDIA. This includes improvements in communication, accessing and understanding information and plan creation. Clearer guidance and examples of reasonable and necessary supports<sup>6</sup> have been developed to assist participants, and their supporters, to understand how to apply for and use plan funding.

More can be done to ensure participants are supported to live an ordinary life and achieve their goals and aspirations. The NDIA must further improve its decision-making processes, ensuring more timely and accurate funding decisions for housing and supports.

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<sup>4</sup> National Disability Insurance Agency (2022) 'Home and Living Supports'. Link [here](#).

<sup>5</sup> National Disability Insurance Agency (2022) 'NDIS Quarterly Report to disability ministers: 30 June 2022' p21. Link [here](#).

<sup>6</sup> National Disability Insurance Agency (2022) 'Would we fund it'. Link [here](#).

# Steps forward

## A fair approach to decision-making

The legal definition of ‘reasonable and necessary’ is complicated.<sup>7</sup> It requires the NDIA to create plans that:

- (a) Assist the participant to pursue their goals, objectives and aspirations
- (b) Undertake activities and facilitate the participant’s social and economic participation
- (c) Represents value for money relative to both the benefits achieved for the participant and the cost of alternative support
- (d) Be effective and beneficial for the participant
- (e) Account for what it is reasonable to expect from families, carers, and the community
- (f) Be most appropriately funded by the NDIA

NDIS planners and the Home and Living Panel have the difficult task of achieving the right balance between individualised outcomes that both assist the participant to pursue their goals and meeting the value for money criteria.

The impacts of good decision-making, early on in the participants’ NDIS lifecycle, range from profound improvements in participants’ health and wellbeing, to reduced costs to participants and the NDIA alike.<sup>8</sup> Funding decisions made by the NDIA should be human rights-based and outcomes-focused to ensure participants receive plans that meet their needs and goals, now and into the future. This reflects the principles that underpin the NDIS; to provide individualised supports to improve the quality of life for each participant.<sup>9</sup>

The NDIA is well placed to make funding decisions that align with participants’ needs and goals. This is particularly important for participants who require Home and Living supports to access long-term stable housing with associated supports, to live an ordinary life. Well-built housing, with the right supports, enables a participant to build their capacity and reduce the need for funded supports over time.<sup>10</sup> Providing the right level of funding upfront ensures that funding is used to address needs and support goals, rather than being wasted on supports that do not address the needs and goals of participants.<sup>11</sup>

*“We need to go back to basics and support participants. [The NDIA] is more focused on the cost side of things, not individual needs and what people with disability say they need to live their life.”*

**Bonnie - Participant**

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<sup>7</sup> National Disability Insurance Scheme Act 2013 (Cth) s34(1). Link [here](#).

<sup>8</sup> Summer Foundation (2022) ‘Current Scheme Implementation and Forecasting for the NDIS’. Link [here](#).

<sup>9</sup> National Disability Insurance Agency (2022) ‘What principles do we use to create your plan?’ Link [here](#).

<sup>10</sup> Summer Foundation (2022) ‘Budgetary impacts of timely specialist disability accommodation payment approvals’ p5. Link [here](#).

<sup>11</sup> Summer Foundation (2022) ‘Current Scheme Implementation and Forecasting for the NDIS’ p26. Link [here](#).

The NDIA appears to preference funding of 2 or 3 person shared SDA dwelling, citing value for money over a single occupant SDA. This is not always the case, particularly if a participant has the capacity and a strong preference to live alone, and is able to gain independence, capacity and confidence in doing so.<sup>12</sup> Funding decisions must consider the longer-term benefits of providing funding for a participant to live in a home that suits their needs and preferences,<sup>13</sup> in line with the NDIS legislation.<sup>14</sup>

Participants who have the need and preference to live alone have experienced the benefits of living in a clustered model of SDA, where they live alone in their own apartment in the same complex as a number of others.<sup>15,16</sup> This has provided greater flexibility, independence and the reassurance that support can be called upon in small increments of around 15 minutes, as and when needed. In a recent study by the Summer Foundation and La Trobe University, tenants described valuing the flexibility offered by having a combination of 1:1 and shared support. Participants reported that they got better value from the resources in their NDIS plans and as they built their capacity for independence they were able to reduce their support needs over time.<sup>17</sup> This adds to the cost effectiveness and ensures that NDIS funds are effectively used to deliver long-term sustainable outcomes for participants.

**Opportunity: Reasonable and necessary decision making on funding and support to be human rights based and outcomes focused. Giving weight to the importance of improved independence and wellbeing.**

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<sup>12</sup> *Boicovitis and National Disability Insurance Agency [2022] AATA 204* (9 February 2022). Link [here](#).

<sup>13</sup> Summer Foundation (2022) 'Current Scheme Implementation and Forecasting for the NDIS' p26. Link [here](#).

<sup>14</sup> *National Disability Insurance Scheme Act 2013* (Cth) s34(c): "the support represents value for money in that the costs of the support are reasonable, relative to both the benefits achieved and the cost of alternative support." Link [here](#).

<sup>15</sup> Douglas J, Winkler D, Oliver S, Liddicoat S and D'Cruz K (2022) Moving into new housing designed for people with disability: Preliminary evaluation of outcomes. *Disability and Rehabilitation*. Link [here](#).

<sup>16</sup> Summer Foundation (2022) 'Support in Specialist Disability Accommodation (SDA) apartments.' Link [here](#).

<sup>17</sup> Douglas J, Winkler D, Oliver S, Liddicoat S and D'Cruz K (2022) 'Moving into new housing designed for people with disability: preliminary evaluation of outcomes'. *Disability and Rehabilitation*. Link [here](#).

## Clear evidence and procedures

To live well in any home, not only SDA, a participant may require supports to assist them with their day-to-day living and community participation. Participants should be provided with enough funding to enable them to live the way they want, with increased choice and control.

The NDIA must ensure participants and their supporters understand what is needed for the Home and Living Panel to make accurate decisions on SDA and supports, enabling the NDIA to provide the right funding package and support participants to establish a model of support that best meets their needs. The NDIA is introducing improvements to its operational and decision-making processes to ensure clarity for everyone. These include minimising hand-offs and providing a clear point of contact for participants.<sup>18</sup>

It is important that these improvements increase overall transparency around Home and Living decisions and ensure that approaches to plan funding align with the NDIS legislation. The Summer Foundation's [UpSkill program](#) builds the capacity of support coordinators and AHPs to support people with complex needs to achieve good outcomes and live well in the community. UpSkill has developed resources that explain NDIS processes, including [how to fill out the supporting evidence form](#). Collaborating with the sector enables the NDIA to take advantage of the expertise and knowledge that exists in the sector, to develop fit-for-purpose and accessible resources.

The NDIA must continue refining processes to ensure that every step of the Home and Living decision-making process is straightforward and easily understood by everyone. Clearer guidance from the NDIA will assist participants to provide concise and relevant evidence as part of their application. This will not only improve experiences and outcomes for participants, but also streamline NDIS decision-making processes.

There are practical strategies that the NDIA could employ to improve the quality and consistency of the evidence submitted by participants and their supporters, including:

- The provision of written advice or guidelines regarding the specific evidence needed for a timely Home and Living decision, targeted towards different stakeholders including participants, support coordinators and AHPs
- The development of template reports, which clearly outline the legislated eligibility criteria and word limits to assist AHPs to provide more concise and rigorous reports for the Home and Living Panel
- Specialised NDIS/Home and Living training for AHPs completing reports

### **Opportunity: Greater transparency is needed around the approach of Home and Living decision-making and the evidence needed for timely and accurate decisions**

This will enable participants and their supporters to provide concise and relevant information that is aligned with the NDIS legislation.

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<sup>18</sup> National Disability Insurance Agency (2022) 'NDIS Quarterly Report to disability ministers: 30 June 2022' p66-81. Link [here](#).

## Timely decisions

Timely and accurate Home and Living decisions allow participants to access the supports they need, when they need them. This improves participant capacity, health and wellbeing over time. However, Home and Living decision-making can be very complicated and the entire process from submitting an initial Home and Living request to receiving funding often takes many months. The PSG states that participants' plans should be approved within 56 days, or 50 days for plan reviews.<sup>19</sup> However, a survey of 172 participants who were supported by the Housing Hub's Tenancy Matching Service in their application for SDA funding found that the NDIA took a median of 97 days to make initial funding decisions about housing and supports.<sup>20</sup> Many participants experienced far longer wait times.

*"[I] lived in transition housing while waiting for SDA approval. Took about a year."*

**Sue – Participant**

The NDIA has committed to making significant improvements in the timeliness of Home and Living decisions.<sup>21</sup> The Summer Foundation advocates for Home and Living decisions to be:

- Made within 10 days
- Prioritised for participants in urgent circumstances, such as those who are in hospital awaiting discharge, living in RAC or other unsafe or unsuitable housing

The Home and Living Panel is capable of making decisions within a 10 day time frame, as has been demonstrated in the latest NDIS Quarterly Report.<sup>22</sup> Further work can be done at an administrative and procedural level to improve the likelihood of Home and Living decisions being made within 10 days. Practical changes to the current process can include:

1. Evidence-based redesign of decision-making processes to achieve accurate decisions within a 10 day time frame
2. Developing and implementing a template to make it easier for the Home and Living Panel to consistently document and communicate decisions, including reasons for decisions
3. Automating the process for communicating decisions to participants and including funding in Home and Living decisions to participant plans.

**Opportunity: Increase the Home and Living Panel's capacity to make timely and accurate decisions and invest in measures that streamline Home and Living processes.**

<sup>19</sup> National Disability Insurance Agency (2022) 'Participant Service Guarantee'. Link [here](#).

<sup>20</sup> Public Interest Advocacy Centre and Housing Hub (2022) 'Housing Delayed and Denied: NDIA Decision-Making on Specialist Disability Accommodation Funding' p5. Link [here](#).

<sup>21</sup> National Disability Insurance Agency (2022) 'NDIS Quarterly Report to disability ministers: 30 June 2022' p81. Link [here](#).

<sup>22</sup> National Disability Insurance Agency (2022) 'NDIS Quarterly Report to disability ministers: 30 June 2022' p81. Link [here](#).

## End-to-end time frames

In March 2022, analysis of SDA determinations for participants being supported by the Housing Hub showed that the NDIA's reported decision-making time frames are not necessarily reflective of the time experienced by participants.<sup>23</sup> In the latest NDIS Quarterly Report, the NDIA breaks down funding requests into various stages, such as receipt of a Home and Living application form, awaiting Panel decisions and awaiting plan implementation.<sup>24</sup> However, in order for this reporting to reflect the true experience of participants, it must be measured from receipt of application and evidence to formal communication of the decision and access to funding within a participant's plan.

It is important that the standards and statistics for SDA decisions consider the total wait time for a participant across all of the steps involved in their request for SDA. Transparency around the true time frames for decisions will give participants the clarity they need to understand the NDIA's processes. It will also allow the NDIA to take into account the total time that the participant is left waiting for a fair decision about where and how they are to live. This will support the NDIA to evaluate the timeliness of each internal step in the end-to-end planning process, and develop opportunities to further improve time frames for decision-making.

*"If you're going to do a plan review every year, that's fine. But if you're going to do a plan review, you need to put that plan in place within that week. You can't leave it six weeks without getting approved, that's not fair."*

Sue – Participant

### **Opportunity: Transparent reporting on end-to-end time frames for Home and Living decisions is required.**

This must encompass the total time taken from the time a request for Home and Living support was made by a participant, until the time a decision on support is made, communicated to a participant and included in an NDIS plan.

## Home and Living Outcomes for Participants

The NDIA and Federal Government have embarked on work to improve Home and Living supports for participants and are undertaking a co-design process to work with people with disability, the disability community, and other interested groups. The Independent Advisory Council's [Home and Living Reference Group](#) is providing advice to support best practice home and living supports and innovative models that help to build participant capacity, independence and inclusion.

We look forward to seeing the outcome of this work and improved transparency, processed and timeframes.

<sup>23</sup> Public Interest Advocacy Centre and Housing Hub (2022) 'Housing Delayed and Denied: NDIA Decision-Making on Specialist Disability Accommodation Funding' p8. Link [here](#).

<sup>24</sup> National Disability Insurance Agency (2022) 'NDIS Quarterly Report to disability ministers 30 June 2022' p81. Link [here](#).