



Feedback on Proposed Criteria for the National Disability Insurance Scheme

“Eligibility and Reasonable and Necessary Support”

**Submission
September 2012**

Contact: Stephanie Gotlib, Executive Officer
Suite 1, 179 Queens Parade, Clifton Hill, VIC 3068

Phone (03) 9482 1130 or 0425 724 230

www.cda.org.au

Children with Disability Australia welcomes the opportunity to respond to the Select Council’s proposed definitions of “eligibility and reasonable and necessary support” in relation to a National Disability Insurance Scheme.

BACKGROUND

CHILDREN WITH DISABILITY AUSTRALIA

Children with Disability Australia (CDA) is the national peak body that represents children and young people with disability and their families. The organisation is primarily funded through the Department of Families, Housing, Communities and Indigenous Affairs (FaHCSIA) and is a not for profit, community based organisation. Additional funding is also received by the Department of Education, Employment and Workplace Relations (DEEWR). CDA has a national membership of 5000 with the majority being families.

Vision

CDA’s vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CDA’s Role

CDA has the mandate to advocate for children and young people with disability living in Australia and undertakes the following to achieve its purpose:

1. Education of national public policy-makers and the broader community about the needs of children and young people with disability.
2. Advocacy on behalf of children and young people with disability to ensure the best possible support and services are available from government and the community.
3. Inform children and young people with disability, families and care givers about their rights and entitlements to services and support.
4. Celebrate the successes and achievements of children and young people with disability.

Guiding principles

Children the priority: the rights and interests of children and young people with disability are CDA’s highest priority consistent with Australia’s obligations under the UN Conventions, Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

Right to childhood: children and young people with disability are children first and foremost and have a right to all aspects of childhood that children without disability are afforded.

Right to participation: children and young people with disability have the right to participate, in whatever capacity, in the decisions that impact on their lives.

Inclusion: children and young people with all types of disability, from all cultural and religious backgrounds and all geographic locations are supported by the work of CDA.

Recognition: for the contributions made by families and care givers to support the rights and interests of children and young people with disability.

Partnerships: CDA works collaboratively with relevant government, non-government and private sector agencies to promote the rights and interests of children and young people with disability.

Transparency: CDA is accountable, effective and ethical as the national peak body charged with the mandate of advocating for children and young people with disability.

FEEDBACK

ELIGIBILITY

CDA is of the view that insufficient consideration has been given to the particular circumstances of being a child with a disability in the proposed eligibility statement.

1. The eligibility criteria states in #4a that the “impairment/s is likely to be permanent”. There are many children, particularly infants and young children, who have developmental delays or undiagnosed disability where the long term prognosis is unclear. CDA is concerned that this criteria could deem many children ineligible for the NDIS.

Furthermore, early intervention is essential for this group of children in order to reduce social, emotional and/or physical impact of the disability on the child as well as supporting families. Without adequate early intervention, care and support requirements and reliance on the service system is likely to increase. CDA believes it is imperative that early intervention should be obtainable through the NDIS and it is understood that this was a stipulated intention in the Productivity Commission Final Report on Disability Care and Support. Early intervention will pick up the needs of children and be able to address the developmental issues, meaning that greater independence will be achieved as the child develops.

The NDIS claims management process can determine eligibility based on the emergence of more evidence of an ongoing and permanent impairment as the child develops. Those children whose developmental issues either resolve or who are not deemed to have a significant impairment will not be eligible as they move through early intervention or school.

This approach enables the NDIS to build in the advantages offered by early intervention. Practically it would require transfers of current program responsibility and funds to the NDIA.

Recommendation

The eligibility criteria state that an individual must have permanent disability or be in an early intervention group.

2. Criteria #4b further states that “the impairments result in a substantially reduced functional capacity of the individual to undertake activities of daily living.” Again, due to developmental stage and the emerging nature of disability it may be unclear whether the associated “impairment” of a child with disability is substantial. Also, young children aren’t independent in activities of daily living.

Recommendation

The eligibility criteria include a measure which is relevant to children with a disability. This should take into account the individual developmental differences experienced by a child with disability.

REASONABLE AND NECESSARY SUPPORT

1. Points (a) and (b) do not incorporate the circumstance of a young child who is dependent on their family for care and support regardless of whether they have a disability or not. Many children, again especially, younger children require support and assistance with activities of daily living. It is however the case for many children with disability that the intensity and quantity of support required is significantly more than a child without disability.

Recommendation

A criteria be adopted that considers the developmental context and captures the variable impact of disability on children and families in this process.

2. Point (f) states that reasonable and necessary supports “are best provided through an NDIS and are not more appropriately provided through other systems of service delivery and support, including services that are offered by mainstream agencies as part of its universal service obligations to all citizens”.

CDA’s point here relates to the eligibility comments above. It is unclear how people, including children, who are not eligible to receive funded support under a NDIS will access supports and services. It cannot be assumed that other “mainstream agencies” have the necessary expertise or ability to meet this demand (other than clinical health services for which families would not be seeking NDIS support for in any case). Families would be applying to the NDIS for specialist disability services as defined in the Productivity Commission report (p228), that are not provided through any other program. These supports would be provided alongside health and other services, so the issue is more about the NDIS contributing to a comprehensive support package rather than arguing over jurisdiction. In fact the NDIS would be expected to have a major coordinating role in these situations.

Given this, it is hard to make an instrumental assessment regarding who is the most appropriate system provider where children with disability are concerned.

Recommendation

The establishment of clearer pathways for those people with disability pre and post eligibility tests for funded support under an NDIS, and criteria that facilitate the building of cross-portfolio comprehensive service programs for children and young people.

Thank you for the opportunity to comment on this aspect of the development of a NDIS. Please contact CDA if additional information is required.



Stephanie Gotlib

Executive Officer