

National Disability Insurance Scheme (NDIS) Costs study
Productivity Commission
GPO Box 1428
Canberra City ACT 2600

Dear Commissioners

Submission to the Productivity Commission's review of NDIS costs

Thank you for the opportunity to make a submission to the Productivity Commission's review of NDIS costs. We have been advised by staff from your office that this submission can be made although the deadline of 24 March 2017 has elapsed.

The Mental Health Complaints Commissioner (MHCC) is an independent specialist mental health complaints body in Victoria that responds to complaints about the provision of services by designated mental health services and publicly funded mental health community support services. This includes NDIS funded supports and services that fall within the broad definition of a mental health community support services.

Eligibility criteria

One of the key concerns that consumers and carers have raised with my office about the NDIS relates to the eligibility criteria that a person has a disability that is permanent or likely to be permanent. This is relevant to the issues outlined in Part 3 of the Productivity Commission's Issues Paper regarding the boundaries of the scheme.

We note that this issue has been canvassed in a number of forums and submissions, and we acknowledge the steps that have been taken by the National Disability Insurance Agency (NDIA) to reconcile the concept of permanent disability with the focus on recovery for people with mental health conditions. We note however that there continues to be questions about the extent to which the eligibility criteria accommodates the episodic nature of mental illness, and the fluctuating needs of people with psychosocial disabilities related to mental health conditions. It is critical that the Productivity Commission's response to the review considers these questions, and the concerns raised by consumers and carers that there will be people in need of psycho-social support who will be assessed as ineligible for the scheme and not be able to access alternative supports.

Complaints mechanism under the NDIS Quality and Safeguarding Framework

A second critical concern for the MHCC relates to the Governance and Administration of the NDIS scheme outlined in Chapter 6 of the Issues Paper, and in particular, the safeguards and quality controls.

The MHCC notes the important work that has been undertaken in the development of the recently released NDIS Quality and Safeguarding Framework, with the proposal for an independent NDIS Complaints Commissioner. It will be important to articulate how the NDIS Complaints Commissioner will interact with existing complaint bodies such as the MHCC, and how complaint issues that relate to the interface between clinical services and psychosocial supports funded through the NDIS will be addressed.

The MHCC was established on 1 July 2014 under the *Mental Health Act 2014*. The need for an independent specialist mental health complaints body in Victoria was identified from extensive community consultations and feedback which informed the mental health legislative reforms. It is the only specialist mental health complaints body in Australia and was established to provide expertise in dealing with complaints about mental health services and to address the barriers that people with mental illness can experience in accessing and participating in complaints processes. Consumers may receive NDIS funded supports on an intermittent basis and in conjunction with clinical services. Knowledge and expertise is important for providing effective responses to complaints. Further, our broad jurisdiction enables the MHCC to address issues of interface between clinical and non-clinical services. The MHCC is included in the 'Victorian Quality and Safeguards Working Arrangements for Transition' between the Victorian and Commonwealth governments and the NDIA.

It is critical that the further development of the NDIS complaints mechanism takes into account the specific needs of people with psychosocial disabilities, and the statutory protections and safeguards that exist under the *Mental Health Act 2014*. These safeguards include the MHCC's role and powers to use complaints processes and data to improve the quality and standards of mental health services across the continuum of clinical and non-clinical services.

We request that the Productivity Commission consider these matters in formulating its response to the review. If you have any questions or would like further information please do not hesitate to contact my office.

Yours sincerely

Dr Lynne Coulson Barr
Commissioner

31/4/2017