

7 July 2017

SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY INTO NATIONAL DISABILITY INSURANCE SCHEME (NDIS) COSTS

The following comments relate to the Productivity Commission's Position Paper on National Disability Insurance Scheme (NDIS) Costs, June 2017.

EARLY CHILDHOOD INTERVENTION

The Commission has sought feedback pertinent to the maintenance of the List D – Permanent Impairment/Early Intervention Under 7 years – No further Assessment required. The Commission advises that this list contains about 130 conditions, including global developmental delay, while noting that developmental delay (as defined in the Act) is not contained in the list, yet is effectively given the same streamlined entry arrangements under the NDIS Becoming a Participant Rules.

I bring to the Commission's attention that the definition of developmental delay as contained in the NDIS Act almost replicates the definition of developmental delay which was contained in the Intellectually Disabled Persons' Services Act 1986 (IDPS Act).

This distinction was made to ensure that children under the age of 6 could qualify for support without being 'labelled' as intellectually disabled. The need for early childhood intervention was well discussed in the report which led to the promulgation of the IDPS Act legislation (the Rimmer Report). Victoria's Disability Act 2006 replaced the IDPS Act 1986, and the developmental delay definition is included in the 2006 Act. It may well be that the dropping of the comma between special and interdisciplinary, a comma which was in the IDPS Act, has import for today's conundrums around eligibility.

Another consideration around developmental delay is that while the age of 6 years was introduced as the cut off time, in the USA there was consideration that there could be developmental delay with a cut off age of 18.

Apart from the above, the key point is that in Victoria when the IDPS Act was the law, a reassessment of eligibility was required when age limit was met, to qualify for disability services. The same situation effectively applies today, for eligibility for disability services as per the Disability Act 2006.

It is not clear to me whether a child assessed under the NDIS Act as eligible because they have met the developmental delay criteria must be reassessed when the 6 years limit is met. I note that List D applies to under 7 years. The question which I suggest needs to be given consideration is: **Should children be reassessed for eligibility when aged 6/7?**

I fully support the Productivity Commission's consideration, page 134, that *"The number and cost of children with developmental delay in the scheme should continue to be monitored by the NDIA. Should changes to assessment processes be made, but children who do not meet the definition of developmental delay, as outlined in the Act, continue to enter the scheme, there is a strong case for changing the definition of developmental delay in the Act so that it is clearer under what circumstances a child would qualify for individualised supports."*

I would, however, go further and suggest that there is no good reason to wait for changes to assessment processes being made and ascertaining whether or not children who do not meet the definition continuing to enter the scheme. **The Commission should recommend that the AIHW conduct detailed work around the definition of developmental delay in its various iterations. This work should inform any considerations around changing assessment processes and/or definitions of eligibility.**

In terms of the higher than expected number of children entering the scheme in the trials, this must be a concern. It raises for me, however, questions as to the accuracy of the 'expected number' base measurement. **Is the Productivity Commission satisfied that the 'expected number' base measurement was 'good enough'? The Commission should recommend that the calculations for expected number of children entering the scheme should be reworked.**

Based on my experience, I suggest to the Commission that access to services for children aged 0-7 years who are thought to have a disability is a fraught area, and one where we should err on the side of generosity. Particularly, there can be considerable variations in the effect of a condition on a child, and there are children born with multiple disabilities. Further there are children who are "ill" along with their condition, and this can place a huge extra strain on the family, and other siblings. Given that the years 0-6 are fraught with trauma for families when there is a child with a disability, and access to early childhood intervention services is not 'easy', I would not be surprised if the expected number base was on the low side.

In terms of whether or not children benefit from early intervention, and families having to demonstrate that their child will benefit, I would urge caution as to making judgements in this area.

I would also suggest that there needs to be greater differentiation in the 7-14 years age cohort, and this should be 7-12 and 13-14.

Information Request 3.1 and 3.2

In terms of the Information Requests 3.1 and 3.2 being made by the Commission, my comment is that it should as easy as possible for families to access reasonable and necessary supports from the NDIS for children, particularly for children under 6 years of age, with an expectation that there will be reassessment in the years 7-12, 13-14, 15-18.

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