

24 November 2016

The Hon Christian Porter MP
Social Services Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear The Hon Christian Porter MP,

Re: National Disability Insurance Scheme (NDIS) Transition Concerns

Sylvanvale supports more than 750 customers with intellectual disabilities with high support needs across the Sydney Metropolitan region, and remains committed to the philosophy of the NDIS giving choice and control to people with a disability.

Sylvanvale supports over 198 people in Supported Independent Living (SIL) (Group Homes) and is one of the 5 largest providers of SIL in NSW.

Sylvanvale has recently commenced the transition of our customers into the NDIS in Western and South Western Sydney areas.

As the minister responsible for the NDIS, I am writing to you regarding major concerns with the planning, implementation and delivery of the National Disability Insurance Scheme in these areas which will severely impact the 750 customers Sylvanvale currently supports. Some of the concerns directly relate to customers; others relate to Sylvanvale's financial capacity to support those customers, these concerns are outlined below in detail.

1. The National Disability Insurance Agency (NDIA) has changed the ground rules for the pricing and quoting of Supported Independent Living (SIL) (group homes), without advice and without consultation with providers or their peak bodies. We have been told verbally that previously published guidelines and information within the current price guide no longer applies. When we try to clarify what the new approach is, we are given advice which ignores legal and financial realities and, in some cases, there is conflicting advice by different NDIA officers. The NDIA officers will not confirm the new arrangements to us in writing.
2. Sylvanvale has been advised that – in order to have payments made from NDIA to replace funds withdrawn by the state government, when customer's phase-in - we should accept the Supported Independent Living benchmark prices, regardless of the fact that for some customers our prices are above the benchmark prices because of the customers' support needs.

For example, recently a Sylvanvale customer Mr Smith who resides in a Sylvanvale group home, had his plan activated from 2/9/2016 and allocated a benchmark price of \$175,171. Sylvanvale was not made aware of the transition or funding amount until the 3/11/16 when the individual's details appeared on the provider portal for the first time. This has meant that the 28 day opportunity to quote above benchmark has closed and the benchmark price was accepted by the NDIA on our behalf without our consent. This funding is a \$28,000 reduction in funding when compared the funding received from the NSW government.

We have been advised that we should then "work with our customers to seek a review of the individual's NDIA plan" in order to achieve the appropriate supports and therefore prices. This is not how the published transition process is supposed to work. In the interim, Sylvanvale must suffer the financial burden, or reduce the level of support to Mr Smith – which is obviously not possible.

2 Mikarie Place
Kirrawee NSW 2232

PO Box 29
Sutherland NSW 1499

T 02 8536 0100
F 02 9521 3610
W sylvanvale.com.au

AFFILIATED SERVICES
Achieve Café
Mikarie Child Care Centre
Retail Therapy
Sylvanvale Catering
Sylvanvale Private Therapy



Donations over \$2 are tax deductible
Charitable Fundraising Number CFN 11679
ACN 001 346 989 | ABN 33 502 584 264
Formerly known as Handicapped Children's Centre NSW



This outcome, places the financial disadvantage and the 'work-around' risk on the provider – with no assistance from NDIA and no certainty of any success at any stage.

Sylvanvale, as at Thursday 10th November has 29 customers in this situation, with a cumulative annual deficit when comparing the NSW Government funding to the NDIS benchmark of \$654,731. Should this continue, Sylvanvale estimates there will be a further 21 customers in a similar situation in phase 1 of the transition with a cumulative total deficit of approximately \$1,300,000.

3. We have also received advice that transport traditionally provided by providers of group homes for their customers is no longer part of SIL. Instead, customers will typically be given one of the three levels of funding as a part subsidy of their needs. While we understand the rationale for these changes, the funding levels ignore the reality that some customers cannot use public transport and, in some cases, group homes have deliberately been established by the State Government in outer suburban areas without close neighbours because of customers' behaviours. These customers will quickly exhaust their NDIA funding for transport.
4. Sylvanvale is not alone in this dire predicament. We are aware of several other SIL providers with identical concerns – all of which are receiving the same treatment. Providers currently assisting people in SIL need to be informed when a person's funding has moved from the State-based schemes to NDIS. At the moment, providers are not informed despite this information being shared between the Commonwealth and State governments, and despite the fact that the person is currently living in properties operated by Sylvanvale.

In the short term we request that:

1. the NDIA and NSW Government instigate a **hold on transferring people into the Scheme** until such time as the NDIA has;
 - o Clarified and communicated the guidelines for Supported Independent Living quotations
 - o Thoroughly tested its ICT system end-to-end and have worked with staff to ensure they are competent in its usage and are aware of the policies, procedures and guidelines that underpin the system.
2. For those customers affected, that the NDIA **immediately fund the Sylvanvale quotation** (in the first instance) until any process changes are resolved and agreed.

Your attention to this matter is vital to Sylvanvale continuing to provide supports to the 750 people we support. I look forward to your response to the concerns we have raised. If you require further details, I or Leanne Fretten our CEO are available at short notice, and available to meet if required.

Yours sincerely,

Jeff McCarthy
Chairman

cc: Hon. Mark Speakman, State Member for Cronulla
Lee Evans MP, State Member for Heathcote
Hon. Scott Morrison MP, Federal Member for Cook
John Alexander MP, Federal Member for Bennelong
Julian Leeser MP, Federal Member for Berowra
Hon. Jason Clare MP, Federal Member for Blaxland

2 Mikarie Place
Kirrawee NSW 2232

PO Box 29
Sutherland NSW 1499

T 02 8536 0100
F 02 9521 3610
W sylvanvale.com.au

AFFILIATED SERVICES
Achieve Café
Mikarie Child Care Centre
Retail Therapy
Sylvanvale Catering
Sylvanvale Private Therapy



Donations over \$2 are tax deductible
Charitable Fundraising Number CFN 11679
ACN 001 346 989 | ABN 33 502 584 264
Formerly known as Handicapped Children's Centre NSW



Hon. Paul Fletcher, Member for Bradfield
David Coleman MP, Federal Member for Banks
Hon. Ed Husic MP, Federal Member for Chifley
Chris Hayes MP, Federal Member for Fowler
Michelle Rowland MP, Federal Member for Greenway
Angus Taylor MP, Federal Member for Hume
Emma Husar MP, Federal Member for Lindsay
Dr Mike Freelander MP, Federal Member for Macarthur
Jason Falinski MP, Federal Member for Mackellar
Susan Templeman MP, Federal Member for Macquarie
Hon. Chris Bowen MP, Federal Member for McMahon
Hon. Alex Hawke MP, Federal Member for Mitchell
Julie Owens MP, Federal Member for Parramatta
John Robertson MP, State Member for Blacktown
Trish Doyle MP, State Member for Blue Mountains
Nick Lalich MP, State Member for Cabramatta
Chris Patterson MP, State Member for Camden
Greg Warren MP, State Member for Campbelltown
Ray Williams MP, State Member for Castle Hill
Jonathan O'Dea MP, State Member for Davidson
Glenn Brookes MP, State Member for East Hills
Damien Tudehope MP, State Member for Epping
Guy Zangari MP, State Member for Fairfield
Julie Finn MP, State Member for Granville
Hon. Dominic Perrotte MP, State Member Hawkesbury
Alister Henskens MP, State Member for Ku-ring-gai
Prue Car MP, State Member for Londonderry
Anoulack Chanthivong MP, State Member for Macquarie Fields
Dr Geoff Lee MP, State Member for Parramatta
Hon. Stuart Ayres MP, State Member for Penrith
Hugh McDermott MP, State Member for Prospect
Hon. Brad Hazard MP, State Member for Wakehurst
Jai Rowell MP, State Member for Wollondilly

2 Mikarie Place
Kirrawee NSW 2232

PO Box 29
Sutherland NSW 1499

T 02 8536 0100
F 02 9521 3610
W sylvanvale.com.au

AFFILIATED SERVICES

Achieve Café
Mikarie Child Care Centre
Retail Therapy
Sylvanvale Catering
Sylvanvale Private Therapy



Donations over \$2 are tax deductible
Charitable Fundraising Number CFN 11679
ACN 001 346 989 | ABN 33 502 584 264
Formerly known as Handicapped Children's Centre NSW

JM17-001

15 March 2017

The Hon Christian Porter MP
Social Services Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear The Hon Christian Porter MP,

Re: National Disability Insurance Scheme (NDIS) Transition Concerns

We write to follow up on correspondence dated 24 November 2016 regarding our NDIS transition concerns. I note and acknowledge the response received from the National Disability Insurance Agency (NDIA) (the agency) on 19 January 2017 and that the agency recognises and apologises for the difficulties we are experiencing, however, we are yet to see any of these issues addressed or plans developed to address them.

Sylvanvale remains committed to the philosophy of the NDIS giving choice and control to people with a disability and we would welcome an approach to work collaboratively with the NDIA.

As the minister responsible for the NDIS, I am again writing to you regarding major concerns with transition to the NDIS which have continued and worsened since our previous correspondence. These concerns severely impact the 198 customers Sylvanvale currently supports in Supported Independent Living (SIL) and Sylvanvale's financial capacity to support those customers. These concerns are detailed below.

1. Supported Independent Living Benchmark and Quoting Guidelines

The NDIA has and continues to change the ground rules for the pricing and quoting of Supported Independent Living (SIL) (group homes), without advice and without consultation with providers. We are now also experiencing differences in expectations and requirements of quoting between NDIS regions. While the agency has made a commitment to publish national SIL guidelines and templates and for these to be made available in three to six months time, in the interim, we find ourselves in a situation where processes change on a sometimes daily basis, with the agency staff interpreting policy and process at an individual level.

Further, the agency has not released the detail on the assumptions with regard to staff numbers and ratios of support that underpin the published SIL benchmarks, so we are unable to have an informed discussion when a variation to allocated supports is required. The need to release SIL benchmark and quoting guidelines and templates is now urgent.

AFFILIATED SERVICES

2 Mikarie Place Kirrawee NSW 2232 | PHONE 1300 244 577 | Sylvanvale Catering | Birdcage Café | Retail Therapy
PO Box 29 Sutherland NSW 1499 | sylvanvale.com.au | Mikarie Child Care Centre | Sylvanvale Therapy Hub

Donations over \$2 are tax deductible | ABN 33 502 584 264
ACN 001 346 989 | Charitable Fundraising Number CFN 11679

2. Plan Review Process

As advised by the agency and our peak body National Disability Services (NDS) Sylvanvale has begun claiming at the SIL benchmark prices, even though our customers who have transitioned into the NDIS have support needs that exceed the benchmark prices. In instances where we have started to claim the allocated benchmark that does not meet the needs of our customers, we have commenced the plan review process, working with the NDIA Plan Nominee and their Support Coordinator to have their benchmark and often their funding levels reviewed.

The plan review process, is taking an extended period of time with the NDIA yet to assess or notify us of an outcome to any of the 93 plan reviews submitted by our organisation. Many plans had an activation date of September 2016, which initiated cessation of state government funding, and has resulted in customers not receiving an appropriate level of funding for their supports for up to six months.

While the plan review process is delayed, Sylvanvale must suffer the financial burden of covering this gap, with no guarantee as to when or if this may be paid by the agency. This financial burden is currently \$115,000 per week, or just under \$6 Million dollars per annum, and clearly places the organisation at a financial risk that in any other industry would not be seen as acceptable. The NDIA has not recognised or offered any assistance to providers to manage such a risk.

Sylvanvale is not alone in this dire predicament. We are aware of several other SIL providers with identical concerns – all of which are receiving the same treatment.

In the short term we request that the NDIA and NSW Government instigate a **hold on transferring people accessing SIL supports into the Scheme** until such time as the NDIA has;

1. Clarified and communicated the guidelines for Supported Independent Living quotations, including use of required templates.
2. Communicated the assumptions that underpin the published SIL benchmarks.
3. Set reasonable business rules for the turnaround timeframes of plan reviews, that do not financially disadvantage providers or participants from exercising choice.
4. For those customers affected, that the NDIA **immediately fund the Sylvanvale quotation** (in the first instance) until any process changes are resolved and agreed.

Your attention to this matter is vital to Sylvanvale continuing to provide supports to the 750 people we support. I look forward to your response to the concerns we have raised. If you require further details, I or Leanne Fretten our CEO are available at short notice, and available to meet if required.

Yours sincerely,

Jeff McCarthy
Chairman

2 Mikarie Place Kirrawee NSW 2232 | PHONE 1300 244 577
PO Box 29 Sutherland NSW 1499 | sylvanvale.com.au

AFFILIATED SERVICES

Sylvanvale Catering | Birdcage Café | Retail Therapy
Mikarie Child Care Centre | Sylvanvale Therapy Hub

Donations over \$2 are tax deductible | ABN 33 502 584 264
ACN 001 346 989 | Charitable Fundraising Number CFN 11679

cc : Dr Helen Nugent AO, Chair NDIA
Hon. Mark Speakman, State Member for Cronulla
Lee Evans MP, State Member for Heathcote
Hon. Scott Morrison MP, Federal Member for Cook
Hon. Jason Clare MP, Federal Member for Blaxland
Hon. Paul Fletcher, Member for Bradfield
David Coleman MP, Federal Member for Banks
Hon. Ed Husic MP, Federal Member for Chifley
Chris Hayes MP, Federal Member for Fowler
Michelle Rowland MP, Federal Member for Greenway
Angus Taylor MP, Federal Member for Hume
Emma Husar MP, Federal Member for Lindsay
Dr Mike Freelander MP, Federal Member for Macarthur
Jason Falinski MP, Federal Member for Mackellar
Susan Templeman MP, Federal Member for Macquarie
Hon. Chris Bowen MP, Federal Member for McMahon
Hon. Alex Hawke MP, Federal Member for Mitchell
Julie Owens MP, Federal Member for Parramatta
John Robertson MP, State Member for Blacktown
Trish Doyle MP, State Member for Blue Mountains
Nick Lalich MP, State Member for Cabramatta
Chris Patterson MP, State Member for Camden
Greg Warren MP, State Member for Campbelltown
Hon. Ray Williams MP, State Member for Castle Hill & NSW Disability Services Minister
Jonathan O'Dea MP, State Member for Davidson
Glenn Brookes MP, State Member for East Hills
Damien Tudehope MP, State Member for Epping
Guy Zangari MP, State Member for Fairfield
Julie Finn MP, State Member for Granville
Hon. Dominic Perrottet MP, State Member Hawkesbury
Alister Henskens MP, State Member for Ku-ring-gai
Prue Car MP, State Member for Londonderry
Anoulack Chanthivong MP, State Member for Macquarie Fields
Dr Geoff Lee MP, State Member for Parramatta
Hon. Stuart Ayres MP, State Member for Penrith
Hugh McDermott MP, State Member for Prospect
Hon. Brad Hazzard MP, State Member for Wakehurst
Jai Rowell MP, State Member for Wollondilly
Tania Mihailuk, State Member for Bankstown
Sophie Cotsis, State Member for Canterbury

Dr Ken Baker AM, Chief Executive NDS
Tony Poole, Senior Manager State Operations NDS

2 Mikarie Place Kirrawee NSW 2232 | PHONE 1300 244 577 | AFFILIATED SERVICES
PO Box 29 Sutherland NSW 1499 | sylvanvale.com.au | Sylvanvale Catering | Birdcage Café | Retail Therapy
Mikarie Child Care Centre | Sylvanvale Therapy Hub

Donations over \$2 are tax deductible | ABN 33 502 584 264
ACN 001 346 989 | Charitable Fundraising Number CFN 11679

QUOTATION

PLAN REVIEW

PARTICIPANT – JOHN SMITH (NDIS 0000000000)

19 February 2017

Current living and lifestyle arrangements

John Smith (John) currently lives in a specialist disability accommodation dwelling comprising 5 bedrooms at 1 First Street, Raby with four other NDIS participants.

Living arrangements include:

- Shared living areas, dining room, bathroom, laundry, secured kitchen area and a carport for the site vehicle.
- The side yard features a shared outdoor seating area with BBQ and also a large grassed backyard with a pool.

Local Community:

- This home is in a rural area.
- The nearest Railway Station, Campbelltown, is 16.9km from his home
- The local shopping centre, Spring Farm Shopping Centre, is 6.5km from the home.

Any form of public transport is not an option for John as his behaviours and support needs would place him at a high level of risk. In order to access his local community, John must utilise a specialised motor vehicle to safely access his community and family.

Individual Complexities

John has a severe intellectual disability, Angelman's Syndrome, and Epilepsy. Ben has difficulties with expressive communication and is non-verbal. John requires highly attuned support that can read his unique body language, sounds, and facial expressions to communicate. John requires 1:1 support at all times through the day. This includes:

- Engagement in leisure and recreation, activities of daily living, recreational engagement, personal safety, and interpersonal interaction.
- Requires support around his bathroom due to smearing and individual assistance for toileting.
- John requires full staff support around the preparation of his specialised meals, while eating, individual support allows John to safely eat as independently as possible. Without full individual assistance John is at an extreme risk of choking.
- John requires full time individual support to both maintain and build upon his living skills, and promote his independence in the home.
- Support is required with all daily living tasks such as personal care and hygiene maintenance, medication administration and meal time management to encourage health, wellbeing and relationship building.

QUOTATION

- Throughout the year, John requires a 2:1 support ratio during times of episodic behaviour which warrant highly specialised behaviour support from trained staff who are known and trusted by John.
- When John chooses to participate in swimming, he requires the support of 2 staff members.
- John has multiple Restrictive Practices which have been put in place to support his safety both in the home, vehicle and in community e.g. Restricted access to the kitchen, access to own money in the community, front door and gates of home locked at all times, seat belt lock in van and van security screen installed.

John's Behaviour Intervention Support (BIS) plan is attached.

Goals

The support delivered for John will be guided by the Goals in John's NDIS My First Plan, which are:

- To continue to attend my day program.
- To continue to live in my current shared supported accommodation.
- To visit my family.

QUOTE

Supported Independent Living (SIL) Benchmark

Sylvanvale Foundation is the current service provider of John's SIL support and based on his current needs, ratio of support and support gaps identified by John at his NDIS planning meeting, we have assessed that his current level of support is individual complex. The number of staff members supporting the four individuals at this home is **10.44 full time equivalent** staff per fortnight.

Ben has been allocated a SIL benchmark of 5 person complex, however, he requires a ratio of 1:1 support, which is outside of any SIL benchmark and quotable under Support Item 01_046_0115_1_1. Our price for providing this support is \$7,887.31 per week.

Supports	Frequency	Price
Establishment Fee	Once only	\$250.00
Supported Independent Living at 1:1	Weekly	\$7,887.31
SIL Gap from NDIS Plan Start Date on 18 th October 2016 to Start Date of new NDIS Plan with required benchmark	Weekly	\$4,981.75

Sample routines for SIL is attached.

SUPPORTS INCLUDED IN QUOTE

SIL supports included in this quotation are:

- personal care

QUOTATION

- meal preparation
- medication management
- support with household tasks and chores
- transportation within a 30km radius of the home and by negotiation with other residents.
- support during an active night
- staff presence in the home in the morning, afternoon and overnight.
- 30 day contingency as per NDIS guidelines

SIL Exclusions: [These items are not paid for by NDIS SIL Benchmarks prices, they are funded by support items related to Assistance to access community, social and recreational activities in the NDIS Price Guide]

- support inside the home, Monday to Friday from 9am to 3pm.
- support to access community, social and recreational activities on weekends, weekdays, evenings and public holidays.
- support during closures of community participation activities and centres offering day programs.
- expenses related to holidays, including accommodation and travel.

Support Exclusions: [These items are not paid for by NDIS supports]

- cost of groceries
- cost of utilities – gas, electricity, water, telephone, internet
- grocery shopping and household budgeting/bill paying
- customers own expenses when out in the community like meals, drinks and tickets
- transport outside of core SIL hours and as per SIL exclusions above
- personal care supports delivered while the customer is hospitalised and which are not provided by the hospital.

If there is significant change in John's needs, a review will be initiated by his nominated

representative. This quote is valid for 30 days and is subject to the availability of the requested service

Quote prepared by: Sarah Lamb, Customer Service Manager

Signature of Person Giving Quote:			
Name of Organisation		Sylvanvale Founda ion	
Contact:			T: 1300 244 577

File Note – 22/3/2017

Subject: Discussion with NDIS re John Smiths review

Phone conversation with Jenny from the NDIS.

Jenny called to ask questions in regards to Johns' review, and has said that from what she can see, all of the funding John requires is included in his plan and no errors have been made.

Notes from this phone call are below:

- John has \$233,572.11 in his plan budget with \$140,477.40 remaining, from what she can see \$63,972.64 drawn down on.
- John is currently funded at a 5 bedroom home and it seems based off what mum has said and the evidence given, that John is not in the right group home.
- According to Jenny, John needs to find another house with less people in the home so that he can have more support, when I asked how many staff are assumed in a 3 person complex model for example, Jenny said that was information outside of her knowledge.
- Jenny said again that Johns behaviours and support requirements seem like they are stemming from him being in the wrong group home,
- Jenny kept referring to the "exploring housing supports coordination" which was her way of solving this 'issue' for John,
- Jenny made the statement that people in a 5 person group home are mostly not complex and that a lot of people in a 5 person group home often work. Those who don't have that capacity would live in a smaller home with a higher support ratio. I informed her that this certainly was not the reality for many of the customers we support.
- According to Jenny, Johns plan which has a published end date in October is actually being reviewed on the 20th of July. John should 'go shopping' before this review. When I asked how John is meant to know the dates between which he can use his plan budget, and if this BRAND NEW information meant that he should use all of the funding in his plan by the 20th July, she said yes and then 'well actually it needs to last him until the start date of the new plan' I asked how long this would be she said 'some planners can do it in a day, other planners can do this in a week'. I pointed out that this gave John absolutely no certainty and asked how services and participants are meant to base service agreements of such wishy washy information. Jenny had no answer.
- I stated to Jenny that as per the service agreement she had on file for Johns day program, the funding in his plan does not allow for a full 52 week service of the 1:1 support that John requires when out in the community. I asked how then, could Johns plan have more than enough funding to last him until the end of his plan. Jenny said that John has been funded 30 hours per week at \$28.47 or \$42705 p.a for day programs and this was at the highest group rate that they will fund. I explained that John cannot share supports and that he requires an individual staff member to be working with him each day, Jenny said they do not fund anyone for 1:1 supports if they are attending a day program. When asked how this is meant to work for John, particularly if the current provider come back and say that they cannot support John in a shared ratio, Jenny said 'have a look at another group program that can do what you need it to do'.
- I pointed out that her advice so far was that John has no choice but to move both his SIL and Day program supports to which Jenny said 'exactly', I asked how this promoted his choice and control. Jenny again referenced the "exploring housing supports coordination" which will help John to find more appropriate services.
- Jenny spoke about all of the incentives the NDIS has put in place for housing stock to be generated so there is a lot more choice out there for John, I pointed out to her that the 'ideal world of the NDIS' that she is referring to, is very, very far away from the reality of the majority of the men and women we are supporting through supports coordination, and asked in the meantime, while all of these homes are being built, what are these people meant to do about their supports as they are now in an extremely vulnerable situation where service providers may say that it is not safe for them to provide service without the appropriate levels of support and ultimately stepping away from customers, Jenny said "exploring housing" is the solution for this.

- When I enquired about customers who may require 2:1 support to go out into the community, Jenny said "we don't fund that" a case she had recently where the customer required 2:1 support for transfers, 'health had to come and provide this service'. I told Jenny that a lot of what she had said today was conflicting to the information we had been given by the NDIA and that I would have to discuss this and get back in touch with her.
- Jenny's contact email is: swservicedelivery@ndis.gov.au
- I also followed up with Johns mother. She advised Jenny called her first and advised she did not read any of the evidence we submitted because she preferred to hear the facts from her as the parent and not be swayed in her opinions by the documents.

Madeleine Gates
Customer Service Planner
SYLVANVALE FOUNDATION
2 Mikarie Place, Kirrawee NSW 2232

W: www.sylvanvale.com.au

