

Response to National Disability Insurance Scheme Rules Consultation Paper

March 2013

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Introduction

Established in October 2000, Vision 2020 Australia is part of VISION 2020: *The Right to Sight*, a global initiative of the World Health Organisation and the International Agency for the Prevention of Blindness.

The organisation's vision is the elimination of avoidable blindness and vision loss by the year 2020 and ensuring that blindness and vision impairment are no longer barriers to full participation in the community.

Over 60 organisations are members of Vision 2020 Australia and are involved in; local and global eye care, health promotion, low vision support, vision rehabilitation, eye research, professional assistance and community support.

Members come together to collaborate, advocate and raise awareness of eye health and vision care in Australia and in our region.

The focus of the work of Vision 2020 Australia's Low Vision and Rehabilitation Committee over the past six months has been to come together and provide a united voice to Government to ensure that the National Disability Insurance Scheme (NDIS) maximises positive outcomes for people who are blind or have functional vision loss. Recognising the transformative opportunity the NDIS presents, Vision 2020 Australia appreciates the opportunity to provide comment to the Rules Consultation Paper. The information provided is a collaborative effort informed by experts from Australia's leading organisations in vision related sensory disability. Rather than address all questions outlined in the Rules Consultation Paper, responses have been organised under sections relating to aspects of the Rules.



Association for the Blind
WA



Australian College of
Optometry



Brien Holden Vision
Institute



CanDo4Kids - Townsend
House



Centre for
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KERATOCONUS AUSTRALIA
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Our focus is your vision

Macular Disease
Foundation



OPTOMETRISTS
ASSOCIATION AUSTRALIA

Optometrists Association
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Initiative Inc



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Royal Guide Dogs
Tasmania



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and Blind Children



blindness and low vision services

Vision Australia

Age requirements

Rules

2. Age requirements for specific locations within Australia during launch. Clause 22(1)(2)

Vision 2020 Australia remains concerned at the implications of introducing an NDIS with a proposed entrance cut-off of 65 years. Vision 2020 Australia continues to advocate for the position that people who are blind or who have functional low vision and do not meet the age criteria for inclusion in the NDIS should reasonably expect to have access to equitable disability services and support and will not be disadvantaged on the basis of their age.

Comparable services may be delivered through the aged care system however, at present this service is not capable of delivering blindness and low vision services. Vision 2020 Australia believes that Government should address as a priority the provision of disability services for senior Australians and prioritise keeping people independent and not dependent on the aged care system.

With regards to the NDIS launch sites, it would seem reasonable to suggest that at least one site include applicants aged over 65 to be assessed for NDIS eligibility and where eligible, provide funded NDIS support. Trialling this would assist in determining its long term sustainability.

Disability requirements

Rules

8. The criteria to be used to determine that the impairment or impairments are permanent or likely to be permanent. Clause 27(1)(a)
9. The criteria to be applied to determine that one or more impairments substantially reduce a person's functional capacity, or their psychosocial functioning, in relation to one or more activities such as communication, mobility, or self-care. Clause 27(1)(b)
10. The criteria to be considered in assessing whether and to what extent social and economic participation has been affected. Clause 27(1)(c)

Vision 2020 Australia believes it is essential that the Rules determine disability on the basis of a functional assessment of what a person can, or aspires to, do rather than on the basis of medical diagnosis alone.

We strongly recommend that the Rules take into account the International Classification of Functioning - Disability and Health (ICF), developed by the World Health Organisation for the classification of vision impairment. The ICF takes an individual's functioning and disability in context, including the social aspects of disability and does not see disability solely as a medical or biological dysfunction, by including contextual factors. Since an individual's functioning and disability occurs within a context, the ICF also includes a list of environmental factors.

Vision 2020 Australia advocates for the use of a functional impact assessment to determine eligibility and believes that this approach is the only suitable method for identifying an applicant's need for NDIS funded disability support.

In determining the impact of underlying disease or cause of disability on functional ability it is however important to consider the relationship between:

- clinical diagnosis and its implication on prognosis (provided by an eye health specialist)
- visual function assessment (i.e. Visual Acuity, Contrast Sensitivity, Visual Fields, Reading Efficiency, Glare Sensitivity) to quantify the extent of impairment
- an assessment of a disability and its functional impact (using a validated objective comparable tool for a specialist assessment undertaken by a suitably qualified professional, with a thorough understanding of assessments as they relate to functional vision, mobility, instrumental activities of daily living, adaptive technology and communication).

Who should conduct assessments?

Vision 2020 Australia believes that specialist disability organisations should be able to provide assessments and that the Rules should support this to occur. Specialist assessments by appropriately skilled and qualified individuals and organisations will deliver greater benefits to individuals and the sustainability of the NDIS.

What types of assessments should be provided or undertaken as part of meeting the disability requirements?

Vision 2020 Australia believes that specialist disability organisations should be able to provide assessments. Assessment tools should have demonstrated effectiveness in measuring level of need and function, etc. These should be developed in consultation and draw on industry expertise relating to specific impairments.

Early intervention requirements

Rules

11. Criteria for determining if early intervention supports are likely to reduce a person's future need for supports in relation to disability. Clause 27(1)(d)
12. The criteria to be considered in assessing whether a support is likely to mitigate, alleviate or prevent of an individual's function capacity to undertake communication, social interaction, learning, mobility, self-care or self-management. Clause (27(1)(e)
13. Criteria for determining if early intervention supports are likely to strengthen the sustainability of the informal supports available to the participant, including through building the capacity of a carer. Clause 27(1)(f)

In considering early intervention Vision 2020 Australia feels that attention must be paid to both the impact of early intervention in children whose visual system is still in a developmental phase and the impact of early intervention on adults whose disability may be exaggerated and prolonged by delayed rehabilitative intervention.

Early intervention services include specialist disability services, but do not necessarily include ongoing personal care.

The criteria for determining whether an early intervention mitigates or prevents deterioration in function should include consideration of whether the service delivers rehabilitative or 'habilitative' (eg as in cases of congenital vision impairment) outcomes.

Consideration should also be given to whether the service delivers and builds transferrable skills/outputs that an individual can use to ameliorate the effect of their disability on their ability. This includes skill attainment at the time of service delivery and also into the future, so that an individual can perform functions such as moving around the community safely, maintain their employment or undertake activities of daily living to their desired level of independence, and also problem-solve through functional challenges in the future without necessarily requiring support from a specialist agency.

For children, the following criteria would be important to consider:

- Child's visual diagnosis
- Age of diagnosis
- Level of vision impairment
- Likelihood of visual deterioration or potential for improved visual functioning
- Age referred for early intervention
- Any additional disabilities, such as physical or intellectual impairment may impact on the frequency and types of early intervention required
- Changes or progress in the child's abilities across all developmental domains over time (this would give an indication of the child's rate of learning)
- Child's current level of functioning across all areas of development.

How can the support provided by families and other carers be made more sustainable by early intervention?

In the case of children, Vision 2020 Australia believes that any early intervention program must be family focused. It is a concern that the Draft Bill is mainly person centred and does not include the needs of the family/carer. It is only by including the family in the early intervention program that the best outcomes can be achieved. Any early intervention program for children must teach the parents or carers to support the development of the person with disability so that the intervention continues at home.

How should the rules support innovative approaches to early intervention and balance this need to get the best outcome for people with disability and for the scheme to be accountable and sustainable?

Vision 2020 Australia recommends that the Rules allow for the Agency to provide direct funding to service providers to develop innovative early intervention programs or initiatives and that these be piloted and evaluated scientifically. Consideration should be given to the need for review, the timeframe of which should be determined in line with the current needs and potential future needs of the person with a disability.

What criteria should be applied to determine 'evidence-based' assessment of the benefits of early intervention?

Criteria to help determine whether an early intervention service delivers demonstrable benefits would depend on the outcome being measured and could include:

- Attainment of milestones
- Quality of life outcomes
- Communication and mobility efficacy
- Whether the supports increase or maintain a person's independence, safety
- Benefit to the community through a reduction in support required later

Management of plans

Rules

19. Criteria for determining whether a participant managing a matter would present an unreasonable risk to the participant. Clause 44(3)
20. Particular matters within a participant's plan that must not be managed by the participant. Clause 44(2)(b)
21. Circumstances which would require a review of a participant's plan to be automatically triggered. Clause 48(6)

Vision 2020 Australia recommends that the Rules provide the flexibility to allow a service provider to undertake plan management under certain circumstances (eg. rural and remote living), with the necessary consumer protections in place.

There must be sufficient information provided to formulate a plan. The Rules that govern their plan must be clear, however, there should be inherent flexibility within the process for the person to exercise substantive choice. Participants should be afforded the flexibility to accommodate a reasonably broad range of changes in their life without requiring a review of their plan.

Vision 2020 Australia believes that examples of circumstances that should trigger an automatic review of a person's plan include loss of carer; change in educational status; change of address, change in visual status.

Registered providers of support

Rules

25. Criteria for registering or revoking the registration of a service provider to deliver supports or a class of supports, including whether compliance with safeguards or quality assurance standards and procedures or qualifications of employees is required. Clauses 70(1)(d); 72; 73(1)
26. Prescribing the consequences of registered providers failing to comply with the NDIS Act, regulations or rules. Clause 73(2)(a)
27. The requirements for registered providers including governance, business and accounting practice. Clause 73(2)(b)
28. The obligations of registered providers in relation to the monitoring of compliance, complaints handling and auditing requirements. Clauses 73(2)(c); 73(2)(d); 73(2)(e)

Vision 2020 Australia believes that national guidelines, standards and accreditation for low vision support services should be developed and used as a criteria for NDIS service provider registration.

Vision 2020 Australia believes consideration should be given to a range of criteria for registering a service provider to deliver difference types of supports. These may include:

- Evidence based methodologies
- Adopting a person and family based approach within programs
- Membership of an appropriate professional body
- Appropriate experience and qualifications
- Adequate governance systems
- Quality assurance mechanisms
- Continual improvement processes
- Formalised complaint and feedback procedures
- Continuing professional development for staff
- Financially sustainability
- Compliance with all relevant legislation and disability standards

Providers should be required to offer information on services, the supports they intend to provide, their locations and the qualifications of their staff who may deliver that service.

Vision 2020 Australia refers to the response provided to the Regulation Impact Statement issued by the Council of Australian Governments in support of the third option 'Choice limited only in higher risk circumstances'.

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