



Inquiry into the NDIS participant experience in rural, regional and remote Australia

Joint Standing Committee on the National Disability Insurance Scheme

Submission by the Commonwealth Ombudsman, Iain Anderson

22 February 2024

Introduction

Thank you for the opportunity to provide a submission to the Joint Standing Committee on the National Disability Insurance Scheme (the Committee) on its inquiry into the NDIS participant experience in rural, regional, and remote Australia (Inquiry).

I support any moves to bolster opportunities for people living with disability to participate in consultations and share their experience of the National Disability Insurance Scheme (NDIS). I note that the Office of the Commonwealth Ombudsman (the Office) made a submission in 2017¹ highlighting issues around delivering the NDIS in remote areas.

Background

The purpose of the Office is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly, and
- influence systemic improvement in government administration.

We aim to achieve our purpose by:

- independently and impartially reviewing complaints and disclosures about government administrative action
- influencing government agencies to be accountable, lawful, fair, transparent, and responsive
- helping people resolve complaints about government administrative action, and
- providing a level of assurance that law enforcement, integrity and regulatory agencies are complying with legal requirements when using covert, intrusive and coercive powers.

The Participant Service Guarantee

The *National Disability Insurance Scheme Act 2013* provides that the Commonwealth Ombudsman will monitor and report annually on the National Disability Insurance Agency (NDIA) and its performance against the Participant Service Guarantee (PSG). The PSG has not yet been legislated in the PSG Rules, however the NDIA operationalised the PSG principles and timeframes in its Participant Service Charter. The Charter is comprised of 5 engagement principles and service standards, with 20 timeframes designed to improve the timeliness and quality of the NDIA's decision-making and strengthen performance monitoring and reporting.

¹ [Submission 402 – Commonwealth Ombudsman – Reforms to Human Services – Stage 2 of Human Services public inquiry \(pc.gov.au\)](#)

I note the report on the NDIS review, *Working Together to Deliver the NDIS*², proposes to redesign the PSG by using qualitative measures to determine the quality and transparency of decision-making, to help improve participant's experience and interactions with the NDIA. My Office looks forward to the government response to this report.

Previous investigations into the PSG

My Office completed 2 investigations into the NDIA's performance against the Participant Service Charter in 2022³ and 2023⁴. Relevant to paragraph (a) of the Inquiry's terms of reference, the recommendations and suggestions resulting from these investigations aimed to improve:

- the NDIA's planning, performance measurement, reporting and communication with staff and the public
- the accuracy, consistency, clarity and transparency of information provided to participants about the PSG timeframes for access and planning decisions.

While the investigations and resulting recommendations were not specifically targeted at the delivery of NDIS services in rural, regional and remote Australia, in my view implementing their findings will help improve the experience of all NDIS participants, including those in rural, regional, or remote areas.

Complaint insights

My Office regularly receives complaints about the NDIS from participants, their carers and nominees, support coordinators and NDIS providers.

My Office does not investigate every complaint it receives. For example, if there is a quicker or more appropriate complaint or review pathway available to resolve the problem, we generally refer people to those pathways.

However, the information we receive through complaints has provided some insights into the participant experience.

In 2022-23 my Office received 621 complaints about the NDIA, (compared to 853 in the 2021-22 financial year). The top four issues related to plans (29%), service delivery (18%), management of service providers (12%) and access requests (11%).

² [Working together to deliver the NDIS. NDIS Review: Final Report](#) – page 258

³ [Investigation-into-the-National-Disability-Insurance-Agency's-preparation-to-meet-the-Participant-Service-Guarantee.pdf \(ombudsman.gov.au\)](#)

⁴ [PSG Statement 2021-22 \(ombudsman.gov.au\)](#)

A review of complaints my Office received between 2021-22 and 2023-24 to date from NDIS participants living in remote and rural areas indicates that these participants largely report experiencing similar issues to those living in urban areas. However, one of the problems that appears to be specific to residing in very remote areas is accessing medical evidence of the type/s required to assess eligibility for NDIS supports, noting the lack of easily accessible health services in very remote areas. A support co-ordinator working in very remote areas told our Office that she has observed clients' access applications lapse while waiting for specialist health practitioners to visit their local area.

Other complainants told us that limited support services in their area resulted in family members providing supports. In one case, the family member was employed by a NDIS provider, but could not access funding in the participant's NDIS plan due to their personal relationship.

In some instances, people complained about the time it took the NDIS to update their plans to reflect changed circumstances after moving to remote locations, which impacted their level of funding and ability to access supports.

Many complainants, regardless of location, were concerned about administrative matters like receiving multiple requests for information to support access applications, delays processing change of circumstance requests, and poor or no communication during plan reviews.