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## **NDIA Response to VALID's Open Letter re Independent Assessments**

The NDIA notes with regret VALID's open letter stating its opposition to independent assessments and intention to withdraw from further consultation with the NDIA.

We appreciate the acknowledgement by VALID of the good will and genuine commitment of NDIA staff working on the introduction of these reforms. Similarly the NDIA records its deep respect for the work of VALID over many years, and of its CEO, Mr Kevin Stone AM, and all other staff members, on behalf of people with intellectual disability.

We do not agree with the position taken by VALID on the introduction of independent assessments, and consider VALID to be mistaken in its understanding of both the Productivity Commission and Tune Review reports.

The Productivity Commission (PC) did not say independent assessments should not be used until the right assessment tools become available. Quite the reverse. The PC report noted that *"assessment tools are needed to determine the level of needs and funding for a person covered by the scheme"*. It then stated *"There is currently no ideal tool to use in the NDIS, but governments should not delay implementation of the scheme in the absence of 'perfect' tools. Accordingly, the NDIS would use the best available tools in its initial implementation phase, with the ongoing development of best practice approaches"*.

The Tune Report did not state that independent assessments should be optional. Recommendation 7 was that *"The NDIS Act is amended to b. provide discretionary powers for the NDIA to require a prospective participant or participant undergo an assessment for the purposes of decision-making under the NDIS Act, using NDIA-approved providers and in a form set by the NDIA."* It noted at para 4.29 *"The benefits that have arisen from this pilot indicate it is worth implementing nationally for every person with disability who would like to test their access for the NDIS or who require further evidence to support decision-making about the supports in their plan"*.

The approach the NDIA is taking is backed by deep research and evaluation. The proposed tools have been validated over multiple years in multiple countries, including specifically with people with intellectual disability, as providing a reliable assessment of functional capacity. The approach the NDIA is taking is set out in two detailed academic papers we released on both the [Assessment Framework](#) and the [Tools selection](#).

The NDIA's approach has been endorsed by leading Australian academics in the field. Professor Andrew Whitehouse from the Autism CRC and Telethon Kids Institute and Professor of Autism Research at The University of Western Australia states *"The [independent assessment] framework is consistent with international best practice. It has great potential to increase the accuracy of assessment, which is a critical foundation in determining the most appropriate supports for each individual."*

University of Sydney's Dr Ros Madden AM, Honorary Research Fellow and Nick Glozier, Professor of Psychological Medicine state *"[The NDIA] have outlined a framework on which to build a fairer and more consistent disability assessment – to enable the rights of people with disability to participate*

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*across society. This diagnosis-neutral framework combines both the need to evaluate capacity and the determining role of the environment in helping or hindering participation.”*

Professor and Chair of Infant, Child and Adolescent Psychiatry at the University of New South Wales and Head of the Academic Unit of Child Psychiatry, South West Sydney, Valsamma Eapen said *“The new functional capacity assessment framework by NDIS aligned to the International Classification of Functioning will undoubtedly enhance the development of effective programs matching each individual's functional level and needs, thereby optimising outcomes.”*

We agree with VALID that planning is meant to be about getting to know the participant and involving other people who know them well so that each plan is a custom-build for the individual. In too many cases it is not that today. The NDIA’s new approach, as set out in the [Policy Consultation paper](#), enables exactly those sort of conversations, with planning being about how best to use a fair and reasonable flexible budget to pursue the participant’s individual goals and aspirations.

The fair and reasonable flexible budget will be derived from a consistent measure of functional capacity and environmental factors. We have pointed to significant evidence that the current approach to line by line negotiation of funded supports is leading to unfair and inconsistent plan budgeting decisions, including favouring those with higher socio-economic status.

Participants with similar functional capacity in similar life situations will receive a similar overall budget amount. We will use the experience and data gained over the past seven years, together with the large volume of pilot assessments currently being undertaken, to formulate those consistent budget amounts. Planning will then be about how best to use those funds by, with and for the individual participant so they can indeed pursue their goals and have great lives.

Lastly, the NDIA notes that the October 2020 Budget shows annually increasing expenditure on funded supports in the NDIS, and a \$3.75 billion increase for 2020-21 to 2022-23 compared to the prior Budget. Independent assessments are not a cost-cutting exercise.

The NDIA will continue to work openly and in good faith on the implementation of the independent assessment-based approach to access and planning. There is still much joint work to be done. We will be delighted to re-engage with VALID on this work at any time.



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