

Submission by the
Commonwealth Ombudsman

Inquiry Into the Capability and Culture of the National Disability Insurance Agency

Submission by the Commonwealth Ombudsman, Iain Anderson

15 December 2022¹

¹ This submission was updated and provided to the Committee for its consideration on 19 April 2023. Page 3 of the submission references the Office's statutory reporting role regarding the Participant Service Guarantee. The report referenced was published as a Statement under the *Ombudsman Act 1976*, not Section 204A of the *National Disability Insurance Scheme Act 2013* as the submission originally stated.

Introduction and summary

The Office of the Commonwealth Ombudsman (the OCO) welcomes the opportunity to make a submission to the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) inquiry into the Capability and Culture of the National Disability Insurance Agency (NDIA).

In response to the terms of reference, the OCO highlights the Ombudsman's recent report on the NDIA's preparation to meet the Participant Service Guarantee.

This information may assist the Committee's consideration of the terms of reference, specifically:

- a) the capability and culture of the NDIA, with reference to operational processes and procedures, and nature of staff employment; and
- b) the impacts of NDIA capability and culture on the experiences of people with disability and NDIS participants trying to access information, support and services from the Agency.

Our role

The purpose of the OCO is to:

- provide assurance that the organisations we oversee act with integrity and treat people fairly; and
- influence systemic improvement in public administration in Australia and the region.

We seek to achieve our purpose by:

- identifying administrative deficiencies through independent review of complaints about Australian Government administrative action;
- fostering public administration that is accountable, lawful, fair, transparent and responsive; and
- providing a level of assurance that Commonwealth, state and territory law enforcement, integrity and regulatory agencies are complying with statutory requirements and have sound administrative practices in relation to covert, intrusive and coercive powers within our jurisdiction.

Oversight of the National Disability Insurance Agency

The OCO can receive complaints about the NDIA's administrative actions and decisions. The OCO can also consider complaints about organisations which are contracted to deliver services on behalf of the NDIA, such as local area coordinators.

As part of its role, the OCO also monitors issues arising from complaints about the NDIA, the media or feedback from stakeholders. The OCO uses this information to identify systemic administrative issues that have the potential to adversely impact many NDIS participants. The OCO has published reports on the NDIA's administration of reviews¹, the NDIA's handling of Assistive Technology requests² and the NDIA's handling of an access request from an individual who was incarcerated.³

These reports highlight the types of systemic issues previously identified. For example, each report consistently identified, among other issues, delays in decision-making and communication clarity. The OCO subsequently assessed whether the recommendations made in those reports

were implemented or not.⁴ The OCO found that, of the 37 accepted recommendations made in those reports, 86 per cent were implemented or partially implemented. This compares with 92 per cent for other agencies the OCO also assessed.

In 2021-22, the OCO received 858 complaints about the NDIA. This is a 16 per cent increase in complaints received compared to 2020-21 (741). During the same period the number of NDIS participants increased by 15 per cent. The most common issues raised in complaints were plans (30 per cent), reviews (15 per cent), and service delivery (15 per cent). Within those issues, complaints concerned:

- **Plans**—the final plan outcome, and dissatisfaction with the plan amendment and implementation process.
- **Reviews**—dissatisfaction with the process and decision made with the review of a decision, and the process associated with a participant-requested plan review.
- **Service delivery**—dissatisfaction with the process of NDIA’s handling of complaints made to its complaints service.

In 2021-22, the NDIA was the fourth largest (6 per cent) source of complaints to the OCO in its general Commonwealth jurisdiction. The largest was Services Australia–Centrelink (52 per cent).⁵

Ombudsman’s role in relation to the Participant Service Guarantee

In addition to receiving complaints from individuals about the NDIA, the OCO also has a specific statutory reporting role in relation to the Participant Service Guarantee (PSG).

Section 204A of the *National Disability Insurance Scheme Act 2013* (NDIS Act) requires the Ombudsman to, as soon as practicable after the end of each financial year, prepare and give to the Minister for the NDIS a report about the PSG addressing some or all the matters prescribed by the National Disability Insurance Scheme Rules (the Rules). The Rules are not yet legislated and therefore this reporting has not yet begun.

On 10 March, however, the OCO published an investigation and findings as an Own Motion Investigation Statement (Statement) under the *Ombudsman Act 1976*. The Statement is limited to communication about the 6 access and planning PSG timeframes. It identifies the NDIA has progressed its work on the PSG, but further work is required by the NDIA, including in relation to policies and procedures. A copy of the Statement is provided at **Attachment A**, and an Easy Read version is provided at **Attachment B**.

The Participant Service Guarantee as Capability and Culture

In the OCO’s view, the PSG is critical to any discussion about the NDIA’s capability and culture. The PSG responds to common participant complaints, such as delays in NDIA decision-making and a lack of information about the NDIA’s processes.

The PSG sets 20 timeframes for the main actions and decisions the NDIA may undertake. It also sets out 5 engagement principles and associated service standards, which set the expectation for how the NDIA will engage with participants and their families or support persons. The PSG is currently incorporated in the NDIA’s Participant Service Charter.

Through the inclusion of both quantitative (timeframes) and qualitative (engagement principles) requirements, the PSG aims to strike an appropriate balance between the quality of NDIS processes and their speed.⁶ In this way the PSG, by design, influences aspects of both the NDIA’s capability (meeting timeframes) and culture (how the agency engages with people).

Ombudsman's Participant Service Guarantee Investigation

In anticipation of the OCO's statutory reporting role in relation to the PSG, the OCO published an own motion investigation report titled, *Investigation into the National Disability Insurance Agency's Preparation to Meet the Participant Service Guarantee* in June 2022. A copy of the report is provided at **Attachment C**. The OCO also published an Easy Read version of this report in July 2022. A copy of the Easy Read version is provided at **Attachment D**.

The report considered the NDIA's approach to planning for the PSG, monitoring and reporting the NDIA's performance against the timeframes, engagement principles and service standards in the Charter, and actions taken to embed the PSG in how the NDIA delivers services to participants.

At the time the report was released, the then acting Ombudsman said, 'an equal focus on meeting the PSG timeframes and engagement principles will ensure the NDIA delivers a service that is responsive to participants'.⁷ The investigation found the NDIA had created a solid foundation for delivering on the PSG to ensure the NDIA can deliver a timely and quality experience for NDIS participants. In particular, the NDIA had made good progress in measuring and reporting against, and meeting, the PSG timeframes.

While the NDIA was also making good progress towards measuring and reporting on the engagement principles and service standards, the OCO considered further development was required to enable the NDIA to report meaningfully on these qualitative elements of the PSG. The OCO acknowledges qualitative measures which set the standard for how the NDIA engages with participants may be more complex to measure and report on than quantitative measures, but as the Tune Review identified, qualitative measures are no less important.

In OCO's view, a robust performance framework that enables the NDIA to report on qualitative aspects of the PSG is key to ensuring the quality of the NDIS participant experience. For this reason, OCO recommended the NDIA develop a PSG qualitative performance measurement and reporting framework, which includes at a minimum the sources of performance information, how each are used in reporting and details of how often each will be reviewed.

The report also considered the NDIA's quality assurance processes in the context of the PSG engagement principles. The report found that the NDIA had commenced work to identify how it could adapt or amend its existing quality assurance processes to incorporate the engagement principles and further refinement work was underway.

The report observed that if the PSG is not incorporated into the quality assurance processes appropriately, it is possible that PSG service standards will be measured inconsistently, or the NDIA will miss opportunities to gain assurance that it is performing at the standard required by the engagement principles. To this end the report recommended the NDIA review its End-to-End Quality Assurance review guides in line with the engagement principles.

The NDIA accepted all recommendations in the report and the OCO will follow up implementation of its recommendations with the NDIA throughout the course of 2023.

Case study: responding to a change of circumstances request

The following case study provides an insight into the lived experience of an NDIS recipient and their NDIA nominee, and relationship with the PSG. It is provided as an example of how the NDIA’s culture and capability can directly affect NDIA recipients. This case study is based on a de-identified real-world approach to the OCO that occurred in 2021.

The Complainant’s Case

- The complainant, C, lives with significant disabilities affecting their ability to communicate.
- A change of circumstances review application, including a request for Specialist Disability Accommodation (SDA), was lodged on C’s behalf by their NDIA nominee, N, owing to N’s concerns about C’s physical safety at their Supported Independent Living. Hospitalisation occurred several times due to injuries sustained there.
- The NDIA approved the review application and categorised it as high risk due to the reported issues of physical safety. A planning meeting concerning the review and a new plan was held between the NDIA and N.
- Following this meeting, whenever N contacted the NDIA they were informed the review application was ‘in progress’. This continued for about 3 months until the review was finalised and a new plan approved.
- However, N was unable to ascertain whether the SDA quote which N had requested had been approved. N therefore contacted the OCO to lodge a complaint about approval of the SDA quote.
- The NDIA decided C was eligible for SDA funding around 6 weeks after N’s approach to the OCO. By that time, however, the accommodation was no longer available.

PSG timeframes

The NDIA advised the OCO that 4 PSG timeframes applied to C’s case. These are summarised in the table below.

The table demonstrates that the NDIA met one timeframe, missed another by a day, and missed the other two by 98 days and 158 days.

	PSG TIMEFRAME (CALENDAR DAYS)	ACTUAL TIMEFRAME (CALENDAR DAYS)
DECIDE WHETHER TO DO A PLAN REASSESSMENT, IF YOU ASK US TO	21	22
DO A PLAN REASSESSMENT WE HAVE AGREED TO	42 ⁸	140

MAKE BIG CHANGES TO A PLAN	50	208
GIVE YOU A COPY OF THE PLAN AFTER IT HAS CHANGED	7	Timeframe met, however NDIA did not provide actual days.

The OCO's investigation, and NDIA's response

As part of its investigation, the OCO asked the NDIA to explain why PSG timeframes were not met. The NDIA explained:

- After the planning meeting, the NDIA “did not action the approval of the plan, including SDA, in a timely manner due to high work volumes, staff moves and a breakdown in communication between various work areas of the agency.”
- The NDIA did not act on several escalation requests because:
 - No visible alert was put in the system advising a requirement for priority approval.
 - Contact from N was noted, but not assigned to the appropriate area for action.
 - Staff were slow to action escalation requests, or had been slow to respond to enquiries or call back requests, with staff movement contributing to a “breakdown of continuity and an absence of follow-up on plan approval”.
 - The NDIA enquiries inbox was experiencing delays in the processing of emails due to high volumes.
 - An oversight meant the SDA quote emailed to the enquiries inbox was not uploaded to C's record.
 - The Standard Operating Procedure relevant to C's case was not followed.

In response, the OCO provided the NDIA with several comments and suggestions to address the issues raised by C's case. The NDIA recognised the errors that occurred, and issued an apology. The NDIA agreed or noted all of the OCO's suggestions.

¹ 'Administration of Reviews Under the *National Disability Insurance Scheme Act 2013*', May 2018, https://www.ombudsman.gov.au/_data/assets/pdf_file/0029/83981/NDIS-NDIA-Final-report-on-administration-of-reviews-under-the-Act.pdf

² 'Administration of National Disability Insurance Scheme Funded Assistive Technology', August 2020, https://www.ombudsman.gov.au/_data/assets/pdf_file/0015/111363/Administration-of-NDIS-funded-assistive-technology.pdf

³ 'Investigation into the actions of the National Disability Insurance Agency in relation to Mr C', February 2020, https://www.ombudsman.gov.au/_data/assets/pdf_file/0018/110619/Investigation-into-the-actions-of-the-NDIA-in-relation-to-Mr-C.pdf

⁴ 'Did They Do What They Say They Would?', September 2020, https://www.ombudsman.gov.au/_data/assets/pdf_file/0013/111460/Did-they-do-what-they-said-they-would-report.pdf; and 'Did They Do What They Said They Would? Volume 2' https://www.ombudsman.gov.au/_data/assets/pdf_file/0021/115374/Did-they-do-what-they-said-they-would.-Reviewing-our-recommendations,-Volume-2,-October-2022.pdf

⁵ Commonwealth Ombudsman 2021-22 Annual Report, page 133.

⁶ Tune Review, page 153.

⁷ Ombudsman Media Release, [23 June 2022: Ombudsman Investigation into the National Disability Insurance Agency's \(NDIA\) preparation to meet the Participant Service Guarantee \(PSG\) - Commonwealth Ombudsman](#), 23 June 2022

⁸ This timeframe has since changed from 42 days and is now 28 days.

The NDIA's communication with participants about PSG timeframes for access and planning

OWN MOTION INVESTIGATION STATEMENT

February 2023

Statement by the Commonwealth Ombudsman,
Iain Anderson

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EXECUTIVE SUMMARY

Our role in monitoring the National Disability Insurance Agency’s (NDIA) performance against the Participant Service Guarantee (PSG) is an important addition to the oversight role we already perform in relation to the NDIA.

What we looked at

The PSG was designed to respond to the most common complaints of NDIS participants: delays in decision-making and lack of information. The PSG contains 5 engagement principles and 20 timeframes for NDIA actions and decisions. This investigation considered the appropriateness of the NDIA’s communication with participants about the 6 PSG timeframes related to access and planning, in the context of the engagement principle ‘transparent’.¹ These timeframes apply from when a person first makes an access request to the NDIA up until they receive their first plan as a participant in the National Disability Insurance Scheme (NDIS).

We considered how the NDIA communicates these timeframes on its website to prospective and current participants. We also considered the NDIA’s internal procedures, templates and guidance to assess whether these appropriately support staff to communicate with participants in letters and on the telephone about the progress of access requests or a participant’s first plan.

While the scope of this investigation is limited to communication about the 6 access and planning timeframes, we trust our observations and suggestions will also assist the NDIA to improve the accuracy, clarity and consistency of its communication with participants about other PSG timeframes.

What we found

We acknowledge the NDIA has taken steps to include PSG timeframes in the communications we reviewed. However, we found there is further work required to ensure the NDIA provides participants with accurate, clear and consistent information about the PSG timeframes for access and planning.

¹ Discussed further from paragraph [2.14](#).

Our Key Findings		
Webpages and templated letters for access and planning do not consistently or clearly include reference to the relevant PSG timeframes.	Internal procedures and guidance do not appropriately support National Contact Centre staff to provide participants with clear and transparent information about relevant PSG timeframes.	The NDIA is not proactively communicating to participants where access or planning decisions are either unlikely to be met or have not been met.

Principles of good public administration applicable to all agencies

This statement identifies several principles of good public administration applicable to all Australian Government agencies. Agencies should:

- Regularly review all forms of communication (including website and letters) to ensure these include clear information about the timeframes an agency is working towards for actions or decisions.
- Ensure policies and procedures enable staff to provide transparent information about timeframes and the progress of decision-making where individuals contact the agency with enquiries about decision-making progress.
- Have processes in place to proactively communicate with individuals who do not receive an action or decision within expected timeframes.

What we suggest

We make 5 suggestions aimed at improving the accuracy, consistency, clarity and transparency of the information provided to participants about the PSG timeframes for access and planning.

Suggestion 1

We suggest the NDIA update all relevant website content (including any forms, videos and downloadable documents) to include accurate, clear and consistent references to the PSG timeframes for the access and planning stages.

NDIA’s response: ACCEPTED

Suggestion 2

We suggest the NDIA amend all relevant template letters and attachments for participants to include accurate, clear and consistent references to the PSG timeframes for the access and planning stages.

NDIA’s response: ACCEPTED

Suggestion 3

We suggest the NDIA update all policy and guidance documents provided to staff responding to telephone enquiries from participants about access and planning to ensure these documents:

- include specific PSG timeframes, where these exist, and
- where relevant, include information about the operation of s 21(3) of the *National Disability Insurance Scheme Act 2013* (the NDIS Act) and explain to staff how they should respond to enquiries from participants who have not received a decision within the timeframes set out in s 21 of the NDIS Act.

NDIA’s response: ACCEPTED

Suggestion 4

We suggest the NDIA develop a policy which supports National Contact Centre staff to inform participants about the progress of decision-making against PSG timeframes.

NDIA’s response: ACCEPTED

Suggestion 5

We suggest the NDIA develop a process to communicate timeframe delays with participants who do not receive their first plan within PSG timeframes to advise them that the timeframe has not been met, explain why the NDIA needs more time and when the NDIA will make a decision.

NDIA’s response: ACCEPTED

Summary of NDIA response

The NDIA accepted the 5 suggestions made in this statement (see **Appendix A**) and provided timeframes to implement the suggestions. We consider the timeframes for implementation are reasonable.

We will monitor, and publicly report on the NDIA’s implementation of these suggestions.

PART 1: INTRODUCTION AND SCOPE OF INVESTIGATION

Introduction

1.1. This is the second investigation by the Ombudsman into the NDIA’s performance against the PSG and covers the financial year 2021–22.

1.2. This statement outlines our investigation under the *Ombudsman Act 1976* (Ombudsman Act) into the NDIA’s communication with participants about the 6 PSG timeframes related to access and planning, in the context of the engagement principle ‘transparent’.

The Participant Service Guarantee

1.3. The PSG was designed to respond to the most common complaints of NDIS participants – delays in decision-making and lack of information. It commits the NDIA to timeframes and engagement principles to make it easier for participants and their families to navigate the NDIS.

1.4. The PSG contains:

- 5 engagement principles designed to give participants, prospective participants, and their representatives certainty about how the NDIA will engage with them (the PSG engagement principles), and
- 20 timeframes that apply to NDIA actions and decisions at the access, planning and review stages (the PSG timeframes).

Figure 1: Components of the PSG



1.5. The NDIA included the PSG timeframes and engagement principles in its Participant Service Charter (the Charter), which was published in August 2020. At the time of our investigation, the Charter has been in place for 2 years. In our view, it is reasonable to expect the NDIA to have incorporated the PSG timeframes and reflected the engagement principles in its published communication products and internal communication procedures and guidance for NDIA staff.

The Role of the Commonwealth Ombudsman

1.6. The Office of the Commonwealth Ombudsman (the Office) was established under the Ombudsman Act to provide independent oversight of public administration by Australian Government agencies and certain private sector entities. This includes oversight of the NDIA.

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1.7. The Office is confined to investigating ‘action that relates to a matter of administration’. In practice, this means, the Office does not investigate the policy decisions made by the government of the day. Rather, we consider whether government departments and statutory agencies act with integrity and treat people fairly in administration.

1.8. As part of its oversight role, the Office takes complaints about the NDIA’s administrative actions and decisions. We can also consider complaints about the NDIA’s Partners in the Community, which include Early Childhood Early Intervention and Local Area Coordinator services.

1.9. The Office will continue working with the NDIA to monitor the NDIA’s performance, including identifying opportunities for the NDIA to improve its approach to administering the PSG pending the making of the National Disability Insurance Scheme Rules (the Rules) under s 204A of the NDIS Act.

Objective and Scope

1.10. This investigation considered the appropriateness of the NDIA’s communication with participants about the PSG timeframes that apply to the access and planning stages under the NDIS. We also considered the NDIA’s approach to communicating with participants about decision-making progress during the access and planning stages. Our consideration of the NDIA’s communication is informed by the ‘transparent’ engagement principle² which relates to better practice communication in support of good decision-making and service delivery.

1.11. To assess whether the NDIA’s communication is appropriate, we considered whether the information being provided is accurate, clear and consistent.

1.12. To assess the NDIA’s approach to communicating about decision-making progress, we considered whether staff are appropriately supported to communicate relevant PSG timeframes and inform participants about the progress of decision-making.

1.13. The investigation did not consider:

- the NDIA’s communication with participants about PSG timeframes for other stages of the NDIS, such as plan implementation, plan variation or plan review, or
- how the NDIA communicates in practice — this means we did not look at actual examples of letters sent to participants or observe telephone conversations between the NDIA and participants.

Investigation Methodology

1.14. We conducted a point-in-time desktop review of the NDIA’s website to consider the information the NDIA publishes for the community (including prospective and current participants) about the PSG timeframes for the access and planning stages under the NDIS. We reviewed:

- the NDIA’s online access request form
- webpages with information about the access and planning stages under the NDIS

² Discussed further from paragraph [2.14](#).

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- online booklets for participants which contain information about the access and planning stages under the NDIS, and
- the NDIA’s online operational guidelines which contain information about the access and planning stages under the NDIS.

1.15. We also formally requested information from the NDIA under s 8 of the Ombudsman Act. In response, the NDIA provided template letters and procedural and guidance documents, including telephone scripts for staff used during the access and planning stages, accompanied by a written response to our questions.

1.16. The material listed above formed the basis of our review of the NDIA’s communication with participants about PSG timeframes during the access and planning stages.

1.17. The NDIA provided us with several documents which did not directly relate to communication with participants during the access or planning stages. While these documents informed our overall understanding of the operation of the NDIA, we did not assess or form views on them for the purposes of this investigation.

1.18. We engaged with the NDIA during the preparation of the statement to address information gaps and confirm our understanding of information provided. Our observations, findings and suggestions are based on our assessment of the material provided by the NDIA and the issues we identified.

1.19. The Office provided the CEO of the NDIA with the opportunity to comment on our draft statement. The NDIA’s formal response is attached to this statement as **Appendix A**. The Office thanks those staff from the NDIA who provided information to assist with this investigation.

PART 2: AN OVERVIEW OF THE PSG AND ACCESS AND PLANNING

What are the Access and Planning stages?

Access Stage

2.1 To be eligible to receive supports as a participant of the NDIS, someone must:

- make an access request to the NDIA; and
- meet the access criteria.³

2.2 To make an access request, someone can either make an application in writing using the NDIA’s Access Request Form or they can apply over the phone. A person who makes a valid access request⁴ is a ‘prospective participant’ of the NDIS.

2.3 After a prospective participant makes an access request, the NDIA must either:

- decide whether or not the prospective participant meets the access criteria, or
- request more information from the prospective participant or another person.⁵

2.4 If the person disagrees with the NDIA’s decision that they fail to meet the access criteria, they may request a review of the NDIA’s decision.⁶

Planning Stage

2.5 If the NDIA decides a prospective participant meets the access criteria, the person becomes a ‘participant’ and the NDIA must facilitate the preparation of an NDIS plan.

2.6 A participant’s plan must include two things:

- a statement of goals and aspirations prepared by the participant, and
- a statement of supports prepared with the participant and approved by the NDIA.⁷

2.7 The NDIA must decide to approve or not approve the statement of participant support.⁸ If the participant does not agree with the supports in their plan, they can request a review of the NDIA’s decision.⁹

2.8 While ‘person’, ‘prospective participant’ and ‘participant’ have particular meanings as outlined above, for the remainder of the statement we will refer to them all as participants.

³ *National Disability Insurance Scheme Act 2013*, s 18 and s 21.

⁴ *National Disability Insurance Scheme Act 2013*, s 19.

⁵ *National Disability Insurance Scheme Act 2013*, s 26(1).

⁶ *National Disability Insurance Scheme Act 2013*, s 99.

⁷ *National Disability Insurance Scheme Act 2013*, s 33.

⁸ *National Disability Insurance Scheme Act 2013*, s 33(4).

⁹ *National Disability Insurance Scheme Act 2013*, s 99.

Which aspects of the PSG relate to Access and Planning?

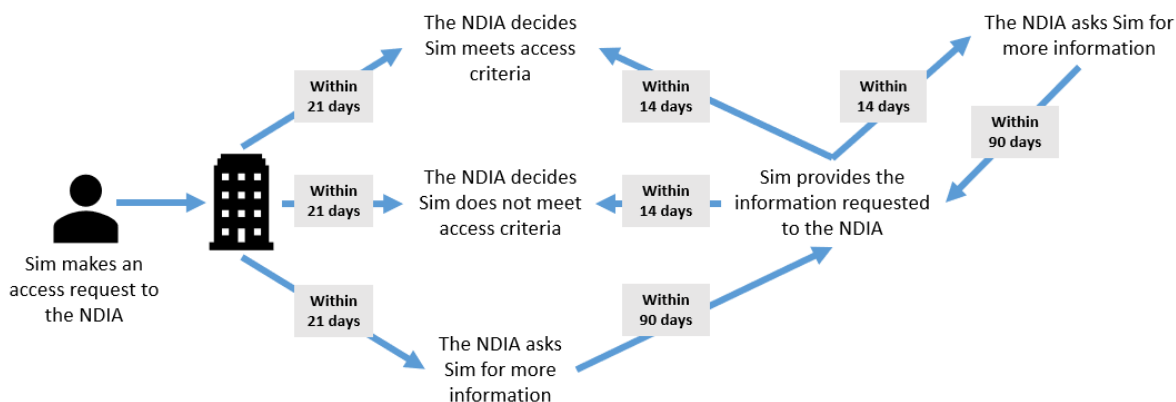
PSG Timeframes for access and planning

2.9 There are 3 PSG timeframes at the access stage:

1. After a participant makes an access request the NDIA has 21 days to make a decision on the request or ask the participant for more information.¹⁰
2. If the NDIA asks the participant for more information, it has to allow the participant 90 days to provide the requested information.¹¹
3. If the participant provides the information the NDIA has 14 days from receiving the information to make an access decision.¹²

2.10 Figure 2 outlines how the access timeframes might apply to a fictional participant named Sim.

Figure 2: Access timeframes



2.11 Where the NDIA does not meet timeframes one or 3, the NDIA is taken to have decided that the prospective participant does not meet the access criteria and the decision will be automatically reviewed.¹³

2.12 There are 3 PSG timeframes at the planning stage:

4. After the NDIA makes an access decision the NDIA must commence facilitating the preparation of a participant’s plan within 21 days.¹⁴
5. The NDIA must approve an adult participant’s plan within 56 days of an access decision being made.¹⁵

¹⁰ *National Disability Insurance Scheme Act 2013*, s 20(2)(a).

¹¹ *National Disability Insurance Scheme Act 2013*, s 26(3).

¹² *National Disability Insurance Scheme Act 2013*, s 26(2).

¹³ *National Disability Insurance Scheme Act 2013*, s 21(3).

¹⁴ *National Disability Insurance Scheme Act 2013*, s 32(2).

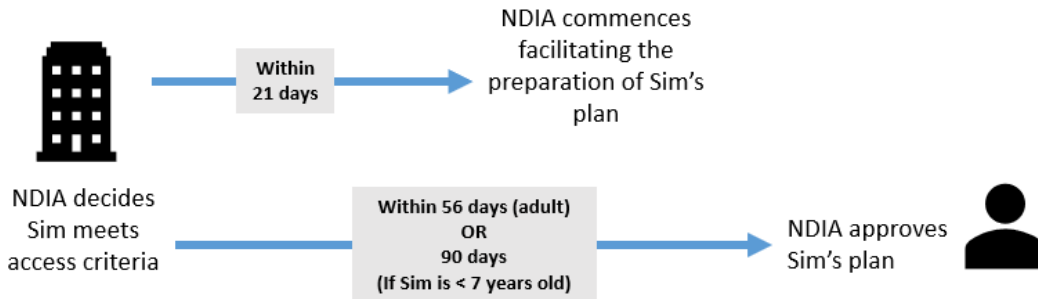
¹⁵ The NDIA’s Q4 2021–22 report includes the following: The target timeframe for plan approvals for those aged 7 and above was reduced from 70 days to 56 days from the March 2021 quarter. We note that the NDIA’s Participant Service Charter has not been updated to reflect this change.

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- 6. The NDIA must approve a participant’s plan within 90 days for Early Childhood Early Intervention participants.¹⁶

2.13 Figure 3 outlines the planning timeframes might apply to a fictional participant named Sim.

Figure 3: Planning timeframes




PSG Engagement Principles – Transparent

2.14 The PSG Engagement Principles are intended to give participants certainty about how the NDIA will engage with them.

2.15 Each engagement principle is accompanied by a broad statement explaining what the principle means in practice and includes 3-4 specific statements about what the NIDA will do to meet the engagement principle. This investigation focused on the PSG engagement principle ‘transparent’ given its connection to good communication.

2.16 Figure 4 below shows what the NDIA tells participants about the ‘transparent’ engagement principle in the Charter and what they can expect from the NDIA’s engagement with them.

Figure 4: NDIA’s Charter – Transparent

How we will work with you	What this means for you	What you can expect from us
 Transparent	We will make it easy to access and understand our information and decisions.	We will: <ul style="list-style-type: none"> • keep you informed • communicate in your preferred format • explain the decisions we make and your appeal rights • make sure we have answers to your questions.

2.17 In our view, to meet the requirement to be transparent and keep participants informed, the NDIA must ensure that participants know about the PSG timeframes and are kept updated about decision-making progress that affects them.

2.18 While the engagement principles are expected to be set out in changes to the Rules in the future, the draft Rules available at the time of our investigation describe the requirement for the NDIA in a similar way to the Charter. It says that to meet this engagement principle,

¹⁶ Timeframes for plan approval are set out in the NDIA’s Service Charter and are expected to be in the Rules when made.

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the NDIA must (amongst other things), ‘keep participants and prospective participants informed about the progress of decision-making processes under the Act that affect them’.¹⁷

How did the NDIA perform against Access and Planning timeframes in 2021–22?

2.19 The NDIA aims to meet PSG timeframes 95 per cent of the time. This means, for example, that for timeframe 6 in the table below the NDIA aims to approve plans (for adult participants) within 56 days of an access decision for 95 out of 100 plan approvals.

2.20 Based on data published by the NDIA in its quarterly reports in 2021–22, on average the NDIA met its target of 95 per cent for the 3 PSG timeframes related to the access stage. The NDIA’s average performance was slightly below its target of 95 per cent for the planning stage timeframes. Table 1 below summarises the NDIA’s performance as reported in its quarterly reports.

Table 1: NDIA’s performance against PSG timeframes for access and planning in 2021–22¹⁸

	PSG Timeframe	Q1	Q2	Q3	Q4	Average
Access	1 Make an access decision, or request for more information, after an access request has been received (21 days)	100%	100%	100%	100%	100%
	2 Allow sufficient time for prospective participants to provide information, after NDIA has requested further information (90 days)	88%	100%	99%	99%	97%
	3 Make an access decision, after the final information has been provided (14 days)	98%	99%	99%	99%	99%
Planning	4 Commence facilitating the preparation of a plan, after an access decision has been made (21 days)	85%	89%	90%	96%	90%
	5 Approve a participant’s plan, after an access decision has been made (56 days)	82%	86%	83%	90%	85%
	6 Approve a plan for ECEI participants, after an access decision has been made (90 days)	88%	90%	91%	96%	91%

¹⁷ DSS (Department of Social Services) (2021) [Participant Service Guarantee Rules](#), accessed 7 September 2022.

¹⁸ NDIA (2022) [Quarterly Reports | NDIS](#), accessed 7 September 2022.

Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

2.21 While it is positive to see the NDIA is meeting its timeframes for the access and planning stages for most participants, these performance figures show that the NDIA is not currently meeting the timeframes in all cases. For example, in quarter 3 of 2021–22, the NDIA met timeframe 5 for 83 per cent of participants. In that quarter, the NDIA reported it completed 10,815 adult plan approvals.¹⁹ This means approximately 1,838 participants did not receive a plan approval within PSG timeframes in this quarter. We discuss the NDIA’s communication with participants who have not received an access or planning decision within PSG timeframes in Part 4.

Improved Participant Experience

2.22 Clear communication with participants about what they can expect to happen and when can improve participant experience by reducing uncertainty. Ensuring NDIA staff are supported by procedural and guidance documents to provide progress updates to participants who contact the NDIA may assist the NDIA to fulfill its commitment to being transparent and to keeping participants informed as part of the PSG. In our experience, providing clear and timely communication about decision-making progress may reduce complaints to agencies and our Office.

2.23 The following 2 case studies highlight how a lack of information and communication about decision-making progress or inactivity can result in frustration for participants and those who support them.²⁰ Both case studies serve to illustrate this point, although only one case study relates to the access and planning stages. The case studies identified are not intended to attribute blame to either the participant or the NDIA. Additionally, the experiences represented in these case studies are not representative of all interactions with the NDIA.

Case study – Access and Planning: Alphonso

Alphonso experienced a medical episode which resulted in a significant disability and admission to hospital. His nominees lodged an access request with the NDIA. The NDIA made a decision on Alphonso’s access request within 10 days. It took a further 90 days for Alphonso to receive his first NDIS plan. Over these 3 months there were various contacts between the NDIA, a social worker at the hospital and Alphonso’s NDIS nominees. When Alphonso’s nominees contacted the Ombudsman, they told us:

- For months, it took ages us to get any response at all from the NDIA. Every time we rang up, we were put through to a different person who had no idea what was going on. It seemed like nobody was reading all the medical documentation.

- Alphonso doesn't have an allocated NDIS worker, it's just whoever answers the phone. That is their system. They don't keep notes up to date and cannot provide information about what's being done so far.

After investigating the complaint and considering all the relevant circumstances, including that Alphonso ultimately received a NDIS plan, the Ombudsman decided that no further investigation of the case was warranted.

¹⁹ NDIA (2022) [Quarterly Reports | NDIS](#), accessed 7 September 2022.

²⁰ Material in case studies has been paraphrased, and pseudonyms used.

Case Study – Reviews: Reema

Reema’s family contacted the Ombudsman after becoming concerned about the time it was taking the NDIA to finalise a review under the NDIS Act. When they contacted us Reema’s family told us they had been waiting over 4 months for a decision from the NDIA.

They said they had contacted the NDIA on multiple occasions and spoke with several different officers about the status of the review but were told nothing further than the review was in progress. This frustration led the family to contact the Ombudsman for assistance.

The Ombudsman investigated the complaint and in response the NDIA acknowledged multiple periods of inactivity in Reema’s case including failure to act on several escalation requests from Reema’s family, follow-up requests not being assigned to relevant areas for action, staff inaction due to movement and delays processing work in the enquiry inbox.

In finalising the investigation, the Ombudsman provided several comments and suggestions to the NDIA about how it could improve handling of cases like this in the future. The NDIA either agreed to or noted all of the Ombudsman’s suggestions.

PART 3: THE NDIA’S COMMUNICATION ABOUT PSG TIMEFRAMES – FINDINGS

3.1 In our view, ensuring information about access and planning timeframes is accurate, clear and consistent in:

- communications, webpages and templated letters, and
- internal procedures and guidance used by staff in their communication with participants

will help the NDIA ensure its communication with participants is appropriate, improves understanding, manages expectations, avoids complaints, and ensures consistency with the transparency engagement principle.

3.2 These considerations informed the high-level criteria we used in our assessment set out in Table 2.

Table 2: Investigation assessment criteria

Website	Letters	Telephone guidance
<p>Accurate and Clear</p> <p>Does the NDIA state PSG timeframes on webpages and in downloadable documents about access and planning?</p> <p>Where the NDIA has stated PSG timeframes, are these accurate?</p> <p>Consistent</p> <p>Is the information the NDIA has on its website about PSG timeframes consistent across different webpages and documents?</p>	<p>Accurate and Clear</p> <p>Does the NDIA state PSG timeframes in templated letters about access and planning?</p> <p>Where the NDIA has stated PSG timeframes, are these accurate?</p>	<p>Accurate and Clear</p> <p>Does the NDIA state PSG timeframes in guidance documents?</p> <p>Where the NDIA has stated PSG timeframes, are these accurate?</p> <p>Transparent</p> <p>Do these documents support NDIA officers to communicate the PSG timeframes to participants over the telephone.</p> <p>Do these documents support NDIA officers to keep participants informed of how their planning or access requests are progressing against the PSG timeframes?</p>

Website

3.3 We reviewed the NDIA’s website to identify webpages and downloadable documents containing information about the access and planning stages. Table 3 sets out our findings.

Table 3: NDIA webpages which state PSG timeframes for access and planning

Webpages	Does it include PSG timeframes for access and planning?
Applying to access the NDIS ²¹	No
Receiving your access decision ²²	No
How to apply ²³	Yes – timeframe 1
Accessing the NDIS video ²⁴	No
NDIA’s online Access Request Form ²⁵	No
What is an Access Request Form ²⁶	No
How the planning process works ²⁷	No

3.4 The NDIA publishes booklets to provide information to people applying to access the NDIS or participants awaiting their first plan. These booklets, including Easy Read versions, are available to download from the NDIA’s website. Table 4 sets out which of these booklets contain PSG timeframes for access and planning.

Table 4: NDIA booklets which contain PSG timeframes for access and planning

Participant Booklets	Does it include PSG timeframes for access and planning?
Applying for the NDIS ²⁸	Yes – timeframe 1
Creating your NDIS plan ²⁹	Yes – timeframes 4, 5 and 6
Applying for the NDIS (Easy Read) ³⁰	Yes – timeframe 1
Creating your NDIS plan (Easy Read) ³¹	No

²¹ NDIS (2022) [Applying to access the NDIS | NDIS](#), accessed 7 September 2022.

²² NDIS (2022) [Receiving your access decision | NDIS](#), accessed 7 September 2022.

²³ NDIS (2022) [How to apply | NDIS](#), accessed 7 September 2022.

²⁴ NDIS (2022) [Accessing the NDIS - YouTube](#), accessed 7 September 2022.

²⁵ NDIS (2022) [FM Access Request Form PDF \(1\).pdf](#), accessed 7 September 2022.

²⁶ NDIS (2022) [What is an Access Request Form? | NDIS](#), accessed 7 September 2022.

²⁷ NDIS (2022) [How the planning process works | NDIS](#), accessed 7 September 2022.

²⁸ NDIS (2022) <https://www.ndis.gov.au/media/80/download>, accessed 7 September 2022.

²⁹ NDIS (2022) <https://www.ndis.gov.au/media/333/download>, accessed 7 September 2022.

³⁰ NDIS (2022) [PB ER Applying for the NDIS Booklet 1 accessible .pdf](#), accessed 7 September 2022.

³¹ NDIS (2022) [PB ER Creating your NDIS plan - Booklet 2_0.pdf](#), accessed 7 September 2022.

Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

3.5 The NDIA publishes its operational guidelines on its website. These documents are based on the NDIS Act and the draft Rules and explain how the NDIA makes decisions. The NDIA publishes these documents to make its decision-making processes more transparent and easier to understand. Table 5 sets out which of these operational guidelines contain PSG timeframes for access and planning.

Table 5: NDIA Operational Guidelines which contain PSG timeframes for access and planning

Operational Guidelines	Does it include PSG timeframes for access and planning?
Operational Guideline – Applying to the NDIS ³²	Yes – timeframes 1 to 6
Operational Guideline – Creating your plan ³³	Yes – timeframes 4, 5 and 6

3.6 The NDIA has not stated PSG timeframes on the majority of webpages that relate to access and planning. While there are some timeframes included in participant booklets, not all timeframes have been included.

3.7 We also identified inconsistencies in how the NDIA describes the same timeframe in different communication products particularly in how the NDIA describes the start time for these timeframes and what participants can expect from the NDIA. Tables 6, 7 and 8 outline the inconsistencies we identified.

Table 6: How the NDIA describes timeframe one

Applying for the NDIS Booklet	Operational guideline ‘Applying to the NDIS’
Once we make our decision, we’ll send you a letter within 21 days to tell you whether you are eligible, how we made the decision, and any next steps.	Once we have your application, we have 21 days to decide one of the following: <ul style="list-style-type: none"> • you’re eligible for the NDIS • you’re not eligible for the NDIS • we need more information.

³² NDIS (2022) [Applying to the NDIS | NDIS](#), accessed 7 September 2022.

³³ NDIS (2022) [Creating your plan | NDIS](#), accessed 7 September 2022.

Table 7: How the NDIA describes timeframe 4

Creating your NDIS plan Booklet	Operational guideline ‘Creating your Plan’
<p>Following your planning conversation, your early childhood partner, local area coordinator or NDIA planner <i>will start making your plan within 21 days</i> and then submit it to the NDIA who provides final approval</p>	<p>We’ll start creating your plan <i>within 21 days after you become an NDIS participant</i>.</p>

Table 8: How the NDIA describes the requirements of timeframe 5

Operational guideline ‘Applying to the NDIS’	Operational guideline ‘Creating your Plan’
<p>If you’re aged 7 or older, we must approve your first plan within 56 days after you become a participant.</p>	<p>If you’re 7 or older, we aim to approve your first plan within 56 days after you become a participant.</p>

3.8 The NDIA’s operational guideline, ‘Applying to the NDIS’ (the guideline) includes all 6 PSG timeframes for access and planning. In our view this document provides the clearest explanations of the PSG timeframes and provides the NDIA with a good example which it could replicate in its messaging across its communication products to ensure consistency.

3.9 The guideline was the only external document we identified which explains to participants that if the NDIA does not meet timeframes 1 or 3 the NDIA has to treat this as though it has decided the prospective participant is not eligible to access the NDIA and the decision is automatically referred to review.³⁴ To improve accuracy and consistency across communication products the NDIA should include this information in other locations.

3.10 While the guideline provides an example of clear information about the PSG timeframes it may not be easy for participants to locate because there is no direct link from the NDIA’s webpages about access and planning to this guideline.

3.11 In our view participants may overlook this information if it only appears in a separate document and not on relevant webpages. To improve clarity, transparency and the likelihood of participants finding this information the NDIA should ensure PSG timeframes are on all relevant webpages.

3.12 The website is likely to be a resource for people who have already made an access request and are awaiting a decision or plan as well as people considering applying to access the NDIS. It is important for the NDIA to include information consistently across all of the webpages which contain access and planning information.

³⁴ National Disability Insurance Scheme Act 2013, s 21(3).

Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

3.13 In our view the NDIA should review and update its website content to include the PSG timeframes for access and planning in all relevant locations particularly in the areas outlined above. This may assist the NDIA to improve the clarity, accuracy and consistency of the information it provides to participants consistent with the ‘transparency’ engagement principle.

Suggestion 1

We suggest the NDIA update all relevant website content (including any forms, videos and downloadable documents) to include accurate, clear and consistent references to the PSG timeframes for the access and planning stages.

Letters

3.14 We considered a range of letters provided to us by the NDIA. These related to access requests, requests for information and notifying participants they had met or had not met the access requirements.

3.15 We observed some of the access and planning letters contain PSG timeframes. However, some crucial letters:

- do not include PSG timeframes
- do not clearly explain to participants when a particular timeframe starts or finishes, and
- include outdated information.

3.16 For example, the 2 template letters for when someone meets the access criteria do not provide PSG timeframes. The letters tell the recipient that the NDIA will contact them in relation to the next stage of commencing their plan but do not specify the PSG timeframe for this step. The letters also contain outdated information about the NDIS rollout across Australia which was completed on 1 July 2020. The NDIA could improve participants’ understanding and expectations of the planning process by including specific PSG timeframes. The NDIA also sends participants a planning factsheet with this letter confirming they have met the access criteria. This document does not include any PSG timeframes.

3.17 Another example of the issues we identified is the Access Request Receipt – ARF Receipt letter. It says participants can expect an outcome on their access request within 21 days. It also tells participants that the NIDA will contact them if the NDIA needs further information to decide if the person meets the access requirements. In our view the NDIA could improve the wording in its letters to make it clearer for participants that the NDIA has 21 days to do one of 3 things: decide the person meets access requirements, decide the person does not meet access requirements or request further information.

3.18 It is good practice for agencies to include accurate, clear and consistent information about timeframes in letters. In our experience, keeping individuals informed about when to expect a decision or what the next steps of the process are can reduce anxiety and frustration about decision-making processes.

3.19 The NDIA should review its suite of templated letters to ensure participants receive accurate, clear and consistent information about the access and planning timeframes.

Suggestion 2

We suggest the NDIA amend all relevant template letters and attachments for participants to include accurate, clear and consistent references to the PSG timeframes for the access and planning stages.

Telephone

3.20 We considered a range of guidance documents which support NDIA staff to respond to participant enquires about the access and planning stages. This guidance includes a mix of procedural instructions, suggested scripting and policy.

3.21 We identified gaps in the 3 standard operating procedures which include guidance for the NDIA’s National Contact Centre staff to respond to telephone enquiries from participants about the access or planning process. These documents relate to access requests and eligibility, access requests in progress, and planning.

Standard Operating Procedure – access requests and eligibility

3.22 The standard operating procedure covering access requests and eligibility tells staff how they should respond to participant requests for updates on the progress of access requests.

3.23 The procedure informs staff, ‘After the access request is received as valid, the NDIS must make a decision, or request further evidence, within specific timeframes. The document does not mention the PSG or advise staff that the NDIA must make the decision with 21 days.

3.24 The procedure provides guidance to staff about how to respond to participants who have been waiting more than 21 days for an access decision. In our view the guidance provided to staff is not clear. In one section of the document staff are advised to apologise for the delay, confirm the application is awaiting assessment and inform participants that their enquiry will be escalated to another branch for action. The next section of the document advises staff to apologise for the delay and confirm the application is waiting assessment. Staff are advised only to escalate the contact if priority criteria for escalation are met.

3.25 This procedure does not contain any guidance for staff on the operation of s 21(3) of the NDIS Act. This section says if the NDIA does not make an access decision or request information from the participant within 21 days of the participant’s access request the NDIA is taken to have decided the participant does not meet the access criteria. The result is that the NDIA is required to review the decision.

3.26 The procedure informs staff where a participant meets the access criteria the participant will commence development of their first plan either with an NDIA staff member or a planner who is external to the NDIA. Staff are advised that timeframes for planning conversations will vary and cannot be advised. In our view this information does not appropriately support staff or provide participants with clear information about the 2 PSG timeframes which apply to planning.

Standard Operating Procedure – access requests in progress

3.27 The standard operating procedure covering access requests in progress also tells staff how they should respond to participant requests for updates on the progress of decision-making.

Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

3.28 In relation to timeframes for completing access decisions the procedure states ‘Under no circumstances is the National Contact Centre to provide any timeframes around Access decisions’. The procedure does inform staff that the NDIA has 21 days to make an access decision and 14 days to make an access decision after making a request for information under s 26 of the NDIS Act. The document does not mention the PSG.

3.29 Where participants have been waiting less than 21 days for an access decision, staff are advised to apologise for the delay and confirm the application is waiting assessment. Where the participant has been waiting more than 21 days, the National Contact Centre is to internally escalate the contact. There is no guidance provided to staff about what they are to advise participants in this case or about the operation of s 21(3) of the NDIS Act.

3.30 In relation to planning the procedure informs staff that where participants who met the access criteria contact the NDIA for an update, they should be told that an ‘NDIS representative will contact you soon’. In our view this information does not appropriately support staff to provide participants with clear information about the 2 PSG timeframes which apply to planning.

Standard Operating Procedure – Pre-planning, Planning and Scheduled Review Check Ins

3.31 This standard operating procedure for the NDIA’s National Contact Centre relates to pre-planning, planning and scheduled review check ins. As the scope of our investigation was limited to access and planning, only those parts of this standard operating procedure form part of our assessment.

3.32 This procedure does not include the PSG timeframes for planning. It informs staff that there may be a delay between a participant’s planning meeting and when they will receive their plan. Staff are informed the timeframe could be 4 weeks between this meeting and receiving an approved plan.

3.33 Staff are told to tell participants that it can take 4 weeks between the planning meeting and receiving an approved plan. For ‘persistent callers’ staff are told to check details in the system, including the date of the planning meeting, and reiterate that it may take 4 weeks to receive a plan. Callers are invited to contact the NDIA again if they are waiting more than 4 weeks. Where the National Contact Centre staff member identifies the person has already been waiting more than 4 weeks from their planning meeting, they are to escalate the contact internally.

Strengthening these guidance documents

3.34 By updating relevant guidance documents to include the PSG timeframes for access and planning NDIA staff may be better positioned to inform participants about their operation. In our view this may assist in promoting participant understanding of the process and managing expectations around key decision-making points.

3.35 By developing a policy and process to support staff to provide progress updates to participants who call the NDIA, the NDIA may similarly be in a better position to improve participant experience and minimise the risk of complaints. This is because participants would have greater certainty about when things will happen, what the next steps will be and the timeframes for their completion.

Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

Suggestion 3

We suggest the NDIA update all policy and guidance documents provided to staff responding to telephone enquiries from participants about access and planning to ensure these documents:

- include specific PSG timeframes, where these exist, and
- where relevant, include information about the operation of s 21(3) of the NDIS Act and explain to staff how they should respond to enquiries from participants who have not received a decision within the timeframes set out in s 21 of the NDIS Act.

Suggestion 4

We suggest the NDIA develop a policy which supports National Contact Centre staff to inform participants about the progress of decision-making against PSG timeframes.

PART 4: THE NDIA’S COMMUNICATION WHEN PSG TIMEFRAMES ARE NOT MET – FINDINGS

4.1 Agencies should update individuals on the status of their requests for services, either manually, through online portals, automated systems such as SMS messaging or tracking applications. If it appears unlikely that an agency will complete an action within a standard timeframe, or a timeframe provided to an individual, this should be recorded and communicated to the individual with an explanation and revised timeframe.³⁵

4.2 In these situations, transparent communication about the NDIA’s performance and clear information about what will happen next may reduce feelings of uncertainty, anxiety or frustration for participants who are waiting for a delayed access or planning outcome and may assist in reducing complaints.

4.3 As identified in the NDIA’s performance reporting in Part 2, there are some instances where the NDIA is unable to meet the PSG timeframes for access and planning decisions.

4.4 The NDIA informed us that its systems can identify participants who are at risk of not receiving actions or decisions within PSG timeframes or participants who have not received an action or decision within PSG timeframes. This information is shared with senior staff within the NDIA through briefings and meetings.

4.5 These reports are also provided to staff so they can contact participants awaiting decision or actions to progress these to finalisation. We understand this contact is focused on finalising the action or decision as opposed to communicating that the NDIA has not met a PSG timeframe.

4.6 The NDIA advised its current business system has limitations and it is unable to automatically send communication to participants where the NDIA may not or does not meet a PSG timeframe. The NDIA advised it is planning to rollout a new business system, PACE, that will:

- provide staff with real time Service Level Agreement counters and tracking for PSG work items
- provide participants on the PACE business system with the ability to view the current status of a PSG related work item via the Participant Portal, and
- enable the NDIA to notify a participant of the status of their PSG work item via instant communication from the PACE business system (such as via email and/or SMS).

4.7 We acknowledge the NDIA’s commitment to improve how it tracks and communicates with participants about its progress against PSG timeframes. While we accept that the NDIA is moving towards being able to proactively communicate with participants, we understand PACE will not be fully rolled out until 2023.

³⁵ Commonwealth Ombudsman (2021) [Preventing and Managing Administrative Delay \(ombudsman.gov.au\)](https://www.ombudsman.gov.au), accessed 12 September 2022.

Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

4.8 While waiting for the rollout of PACE the NDIA should develop a process to communicate with individuals where the PSG timeframes have not been met so that participants are aware of this and have certainty about when a decision will be made.

4.9 It seems reasonable that where the NDIA has not met timeframes 1 or 3, the subsequent communication with participants would inform them that an automatic decision has been made and the decision will be reviewed, consistent with the operation of s 21(3) of the NDIS Act. The letters provided by the NDIA to inform our investigation did not confirm if it has template letters for this purpose.

4.10 However, for timeframes 5 and 6, the communication should advise participants that the relevant timeframe has not been met, explain why the NDIA needs more time and when the NDIA will make a decision. This approach to communicating with participants would be consistent with how the NDIA committed to communicate with participants where it does not meet PSG timeframes for internal reviews. In the operational guideline for reviews the NDIA tells participants that where a PSG timeframe is not met the NDIA will communicate with participants to explain why the timeframe has not been met and when the decision will be made.³⁶

Suggestion 5

We suggest the NDIA develop a process to communicate timeframe delays with participants who do not receive their first plan within PSG timeframes to advise them that the timeframe has not been met, explain why the NDIA needs more time and when the NDIA will make a decision.

³⁶ NDIS (2021) [OG Reviewing Our Decisions v5.0 APPROVED - EXTERNAL 2022-07-01.pdf](#) (page 9), accessed 7 September 2022.



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Mr Iain Anderson
Commonwealth Ombudsman
Office of the Commonwealth Ombudsman

Via email:

iain.anderson@ombudsman.gov.au

Dear Mr Anderson,

Thank you for your letter dated 24 February 2023 providing your Statement of the investigation and findings into the *National Disability Insurance Agency's (NDIA) communication with participants about Participant Service Guarantee (PSG) timeframes for access and planning*.

I appreciate your acknowledgement that the Agency has taken steps to include PSG timeframes in the communications reviewed and your observations on the further work required to ensure the Agency provides participants with accurate, clear and consistent information about the PSG timeframes for access and planning.

The Agency is pleased to accept all five recommendations and will progress work to address each recommendation. The Agency will work closely with your team as we progress implementation of the recommendations.

Please refer to the attached "Response from the NDIA" for further detail on next steps and anticipated timeframes.

I look forward to our continued engagement with your Office as you undertake the ongoing monitoring and reporting of the implementation of the PSG.

Should you wish to discuss any aspect of the draft report or the Agency's response, please contact Mr Andrew Maitland, General Manager Operations and Support Division.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Falkingham', followed by a horizontal line.

Rebecca Falkingham
Chief Executive Officer
National Disability Insurance Agency

3 March 2023



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Commonwealth Ombudsman— The NDIA’s communication with participants about PSG timeframes for access and planning

The contents of this document are OFFICIAL.

Appendix A: Response from the NDIA

Introduction

The National Disability Insurance Agency (NDIA) acknowledges receipt of the Office of the Commonwealth Ombudsman’s report under section 8(3) of the Commonwealth Ombudsman Act 1976 and provides the following responses to the recommendations.

The NDIA accepts all the Ombudsman’s recommendations, and appreciates the advice received.

The NDIA acknowledges that there has been a number of issues in relation to ensuring participants are fully advised of the Agency’s Participant Service Guarantee (PSG) obligations due to a range of identified business system limitations. Progression towards the development of a bespoke customer management system designed specifically for the NDIA is expected to be piloted later this month with full roll-out in early 2023.

This new system will also support improvements in how the NDIA communicates with participants through all correspondence methods - letters, emails and in person - via a program of work to help us successfully design, build, and transition to a new business system, *PACE*. *PACE* will fully replace the current Services Australia SAP CRM business system.

This work redesigns our system and processes to improve the participant experience. The aim of this work is to:

- Make sure we have a system which can deliver on the outputs of co-design activities.
- Deliver on the Participant Service Charter, the Participant Service Guarantee, and the Participant Service Improvement Plan.
- Improve systems and internal processes, and the way the NDIA works.
- Respond to feedback from frontline staff, partners, and the wider disability community.
- Improve the participant experience with the NDIS and ensure the Agency has the systems, processes, and controls in place.

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- Implement changes to the legislation that took effect on 1 July 2022, including the introduction of the PSG.

The design and build of PACE have been strongly influenced by ongoing consultation with staff, NDIS Partners in the Community and participants, as well as the outcomes of prior consultation with participants.

PACE will improve how participants interact with the Scheme and provides the flexibility needed to deliver improvements across access, planning and NDIS lifecycle activities. One of the key features in the design of PACE is that it is a case management system and service standards, such as PSG timeframes, are core to the infrastructure of the case processes. This design enables the Agency to provide users of PACE with access to real-time, system automated PSG timeframe data relevant to the cases they (or their team) are assigned without the need for manual recording and off-system reporting.

The NDIA is re-writing all access and planning letters for PACE. This includes providing information about PSG timelines where relevant, what happens next in the access and planning process and how to contact us for more information. The Agency has committed significant investment and resourcing into the development of our new business system to ensure that that the participant experience is optimal and tested. The Agency will balance any immediate, low-cost improvements that can be made now with the benefit of an improved, participant centric system into the future.

The updated and improved access and planning letters is available in PACE for real time testing in Tasmania, which commenced 14 November 2022.

National roll out of PACE is planned in 2023.

Recommendation	NDIA response	NDIA Comments
Recommendation 1 We recommend the NDIA update all relevant website content (including any forms, videos, and downloadable documents) to include accurate, clear, and consistent references to the PSG timeframes for the access and planning stages.	Accepted	The Agency accepts the recommendation made by the Ombudsman’s Office and has commenced a thorough review of the website to update the below listed web pages, documents, and videos, and to identify any further pages required in the audit, to enable a fulsome update of all PSG timeframe content and cease any duplication or inconsistencies across the site. All PSG timeline website content will be updated by the end of 2022.

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Pages requiring content audits to ensure the content links back to the main PSG timeframes page:

Access

<https://www.ndis.gov.au/applying-access-ndis/how-apply#what-s-next>

<https://www.ndis.gov.au/how-apply-ndis/what-access-request-form#supporting-evidence-form>

<https://www.ndis.gov.au/applying-access-ndis/how-apply/receiving-your-access-decision>

<https://www.ndis.gov.au/applying-access-ndis/how-apply/information-support-your-request/providing-evidence-your-disability#how>

<https://www.ndis.gov.au/applying-access-ndis/how-apply/information-gps-and-health-professionals/applying-access-ndis-faq>

<https://www.ndis.gov.au/applying-access-ndis/how-apply/information-support-your-request/providing-evidence-disability-children#submitting-evidence>

[Operational Guidelines: Access to the NDIS \(OG microsite\)](#).

Planning

<https://www.ndis.gov.au/applying-access-ndis/how-apply/receiving-your-access-decision#if-you-are-found-eligible>

<https://www.ndis.gov.au/participants/using-your-plan/who-can-help-start-your-plan#implementation-meeting>

<https://www.ndis.gov.au/participants/how-planning-process-works#receiving-your-approved-ndis-plan>

<https://www.ndis.gov.au/participants/creating-your-plan/receiving-your-approved-plan>

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The NDIA is committed to ensuring all Participant Service Guarantee (PSG) timeframes and relevant content are consistently available across the NDIS website on relevant web pages, forms, documents, and videos.

The NDIA regularly reviews NDIS website content to ensure it is effective and meets the needs of our participants and website visitors including managing participant expectations on timeframes related to access and planning. Although the website promotes PSG timeframes in multiple locations (listed above), we acknowledge that the information could be clearer, easier to find, and more consistent.

The NDIS digital delivery team have recently completed website benchmarking which showed the NDIS website structure is over 2,000 pages long over 5 tiers of website navigation. The benchmarking showed that the size of the website hinders navigating the site, popular pages are located deep in the navigation and visitors used site search rather than menus, due to confusing navigation and content duplication. The team are currently working on the next steps to address consistent content issues, duplication, and navigation on the website.

The NDIA will promote the PSG timeframes related to access and planning by linking back to a centralised location on the Participant Service Guarantee page. This will allow for a simpler approach that still gives people the information, without overcomplicating the page content. The Agency believe it is a lower risk to link back to the timeframe information in a centralised location (on the PSG page), rather than duplicating information about timeframes across multiple pages. This approach also reduces the risk of having out of date information at any one time.

The NDIA is committed to improving the user experience for our approximately 500,000 visitors every month. Recent feedback tells us clearer content and reduced volumes of

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content on the website would be beneficial. The proposed solution will limit the amount of on-page text and ensure an improved experience while still promoting timeframes. Using this approach will also make it easier to update if PSG timeframes or content change.

Recommendation 2

We recommend the NDIA amend all relevant template letters and attachments for participants to include accurate, clear, and consistent references to the PSG timeframes for the access and planning stages.

Accepted

The Agency accepts the recommendation made by the Ombudsman’s Office. A key component of this activity is identifying manually activated and printed letters and attachments requiring immediate change. All manually activated letters can be reviewed, revised, and updated within shorter timeframes than those which are embedded within our current SAP CRM as system generated correspondence. These letters will be prioritised for review and remediation by February 2023.

The NDIA’s experience in arranging for business system generated letters to be updated in our existing SAP CRM indicates that it is extraordinarily complex, inefficient, and costly. Automating system generated correspondence in the current SAP CRM business system is considered a significant system enhancement and will take time, incur substantial costs, and divert resources from building the new business system, PACE. As the NDIA has moved towards the development of our own purpose-built business system, resources previously attached to the Agency by Services Australia have been gradually withdrawn leaving only minimum capacity to maintain the current SAP CRM system.

The Agency is re-writing system generated access and planning letters in readiness for the PACE trial in Tasmania, which includes providing information about PSG timeframes where required, advice about what happens next in the access and planning process and, how to contact us for more information if needed. These template letters and attachments will be

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available in PACE for real time testing across access and planning processes in the new PACE CRM system trial commencing in November 2022.

The Agency currently includes information in access and planning letters about PSG timeframes and uses our continuous improvement framework and feedback about our resources to improve letters to ensure consistency and accuracy of how we communicate PSG timeframes. The advice received from the Office of the Commonwealth Ombudsman provides further feedback to which the Agency accepts and will adopt as discussed in this response.

Further improvements will also be made as part of the National implementation of PACE in 2023.

Recommendation 3

Accepted

We recommend the NDIA update all policy and guidance documents provided to staff responding to telephone enquiries from participants about access and planning to ensure these documents:

- include specific PSG timeframes, where these exist, and
- where relevant, include information about the operation of s 21(3) of the National Disability Insurance Scheme Act 2013 (the NDIS Act) and explain to staff how they should respond to enquiries from participants who

The Agency accepts the recommendation made by the Ombudsman’s Office.

A comprehensive stocktake and review of all articles relating to PSG timelines will be completed by 31 December 2022.

This will include a review of all Operational Guides, Standard Operating Procedures, Knowledge Articles, NCC Scripts and work instructions to ensure they accurately reflect PSG timeframes and are consistent with information available to all NDIA Staff (including Partners in the Community (PiTC) and NCC telephony staff). This timeline will allow the review to be completed and material updated before the National roll out of PACE.

Whilst there is general advice available to NCC agents on the PSG timeframes (linked directly to the public website), the Agency will work with our staff to ensure improved consistency and understanding in how NCC agents provide information to callers relating to PSG timeframe.

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have not received a decision within the timeframes set out in s 21 of the NDIS Act.

Individual knowledge articles are categorised based on the different sections of the NDIS Act, including specific topics such as access decisions, reassessment, and reviews. This supports NCC agents to confidently speak to the correct PSG timeframe for the appropriate action that is underway with a participant’s access or planning process. The Agency will review these articles to action the advice received in relation to s21(3) ensuring staff can appropriately explain decisions and timeframes to which the Agency is required to respond.

The current SAP CRM Business system has a number of limitations which prevent NCC agents being able to advise callers on the status or progress of their request, the new PACE system will remove these limitations. Whilst the Agency is transitioning to the new PACE business system a stronger NCC PSG framework will be developed to improve the experience of callers to the NCC including the development of a PSG communication Policy as outlined in recommendation 4.

Recommendation 4

Accepted

We recommend the NDIA develop a policy which supports National Contact Centre staff to inform participants about the progress of decision-making against PSG timeframes.

The Agency accepts the recommendation made by the Ombudsman’s Office.

As stipulated in Recommendation 3, the Agency will complete a comprehensive stocktake and review of current guidance materials to ensure consistency across all knowledge management platforms which will be completed by 31 December 2022.

The Agency will support collaboration across key business areas including Participant Advocacy, Co-design and Engagement, Service Guidance and Practice, Policy, Partner Performance, and the Contact Centre Branch to commence a coordinated approach to inform policy development.

The Policy will support how all frontline staff, including NCC telephony staff, inform participants about the PSG timeframes to provide an enhanced participant experience and

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better understanding of the Agency’s commitment to the PSG timeframes and what will happen next. The Policy will also inform an Agency wide approach to ensure that all frontline staff understand and are supported to communicate PSG timeframes to participants and potential participants.

The Agency will strengthen guidance through:

- the revision of Standard Operating Procedures and NCC knowledge articles and scripts;
- development and alignment of a complimentary learning and development package that informs, educates, and empowers staff to feel confident speaking to PSG timeframes when engaging with participants;

The commencement of policy preparations and discovery will commence mid November 2022.

Simultaneously, the NDIA will make it mandatory for all NCC staff to enrol in the NDIA’s existing learning module “*Understanding the Participant Service Charter and Participant Service Guarantee*” to immediately improve their understanding of PSG timeframes.

Recommendation 5

Accepted

We recommend the NDIA develop a process to communicate timeframe delays with participants who do not receive their first plan within PSG timeframes to advise them that the timeframe has not been met, explain why

The Agency accepts the recommendation made by the Ombudsman’s Office, noting the concerns raised are to be addressed with the introduction of the new business system (PACE).

The management and communication of PSG Timeframes in the Agency’s current SAP CRM business system has significant limitations, including the inability to automatically generate communications such as pre-call text, SMS, or correspondence to a participant when a PSG timeframe is close to lapsing. This is primarily due to the introduction of the PSG post

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the NDIA needs more time and when the NDIA will make a decision.

development of the SAP CRM system in 2016, and the manual system workarounds the Agency has implemented to fulfil its obligations to capture and report on PSG compliance. These workarounds include the manual recording of start and end data points for PSG service standards in uncontrolled interaction data templates on SAP CRM by frontline staff. Linking automated correspondence to this data is not currently possible, leaving the only option to automate correspondence in the current SAP CRM business system through significant system enhancements which will potentially take longer than what will be achieved through transition to PACE and incur substantial costs.

With the learnings of the current system’s limitations, and the additional work required by staff to maintain PSG records within the SAP CRM system, the NDIA have ensured that the design of the new business system (PACE) addresses these limitations with embedded PSG and SLA timeframes as well as on-system reporting, escalation, and management of SLAs.

One of the key features in the design of PACE is that it is a case management system and service standards, such as PSG timeframes, are core to the infrastructure of the case processes. This design enables the Agency to provide users of PACE with access to real-time, system automated PSG timeframe data relevant to the cases they (or their team) are assigned without the need for manual recording and off-system reporting. The Agency have also ensured the service standards for each case are configurable; mitigating the risk of a hard coded system that is difficult to change as currently endured with the current SAP CRM system.

Additional functionality delivered through PACE includes embedded system escalation for cases nearing PSG timeframe expiry, as well as a SLA milestone tracker visible on each case that displays a countdown of the time remaining to complete the case to the end user. Real-time operational reports will be available to identify cases at risk of lapsing the related PSG

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timeframe, and on-system work re-assignment capability will enable the Agency to action cases for priority where required.

All these features will be available in PACE for the real time testing in Tasmania, commencing November 2022.

Given the PSG service standard metrics are embedded within the PACE business system, it will enable the Agency to easily display these timeframes to external interfaces of the system such as the Participant Portal. An example of how this will be used to improve the participant experience is by providing participants with the capability to view the status of a PSG related work item on the Participant Portal and Mobile App. This functionality will be deployed as part of the National Rollout of PACE in 2023. As previously noted in Recommendation 2, the Agency is committing significant resources to ensure the successful roll-out of our new business system in 2023 and considers that this will ensure we are best placed to deliver on our PSG commitments.

It is important to note that the consideration of PSG service standards within PACE are also dependent on the finalisation of the NDIS Rules for PSG, which are currently in draft. Further work and enhancements to the PACE Business System will be driven based on the outcome of these Rules.

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Making sure the Participant Service Guarantee (PSG) works well

How the NDIA shares information about the PSG

What we found out

An Easy Read document



How to use this document



The Office of the Commonwealth Ombudsman wrote this document. When you see the word 'we', it means the Office of the Commonwealth Ombudsman.



We wrote this document in an easy to read way.

We use pictures to explain some ideas.

Bold

Not bold

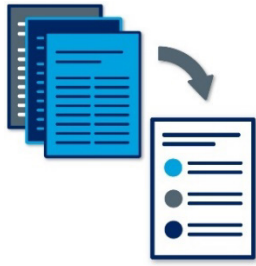
We wrote some important words in **bold**.

This means the letters are thicker and darker.



We explain what these bold words mean.

There is a list of these words on page 15.



This Easy Read document is a summary of another document.

This means it only includes the most important ideas.



You can find the other document on our website.

www.ombudsman.gov.au/publications-resources-and-faqs



You can ask for help to read this document.

A friend, family member or support person may be able to help you.

What's in this document?

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What is this document about?



The **National Disability Insurance Scheme (NDIS)** is a way of supporting people with disability around Australia.

The NDIS helps people with disability:



- get the supports and services they need



- work towards their goals.



The **National Disability Insurance Agency (NDIA)** runs the NDIS.



The NDIA must follow the **Participant Service Guarantee (PSG)**.



Participants are people with disability who take part in the NDIS.



And a **guarantee** is like a promise.



The PSG is a set of rules the NDIA must follow.

It explains what you can expect from the NDIS.

It explains how long the NDIA can take to:



- make decisions



- do things to help participants.

The PSG helps participants know how long the NDIA will take to make decisions that affect:



- them
- people who support them.



This document explains how well the NDIA is following the PSG.

What our document focuses on



The PSG explains how long the NDIA can take to make:

- actions – things they must do
- decisions.



Our document focuses on 6 timeframes about these:

- actions
- decisions.

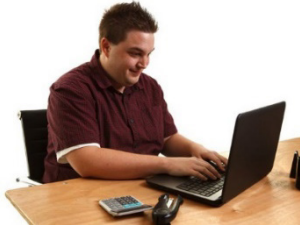


The NDIA shares information about the PSG with:

- participants
- people who support them.



We looked at how the NDIA shares this information with participants when they first join the NDIS.



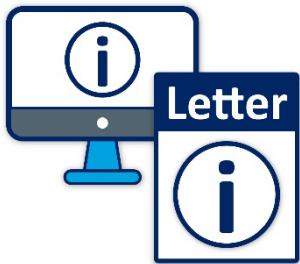
This includes when they apply to join the NDIS.

It also includes when they plan what support they need in their **NDIS plan**.



An NDIS plan explains:

- you and your goals
- what support you need.

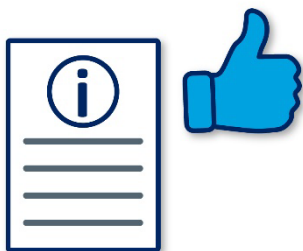


We checked what information the NDIA is sharing:

- on their website
- in the letters they send to participants.



We also checked what information they are sharing with their staff.



NDIA staff need good information about the PSG so they can communicate with participants.

What did we find out?



The NDIA has done some work to share information when participants first join the NDIS.

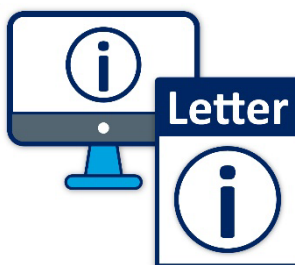


But they need to do more work to make sure participants understand how long it will take the NDIA to make a decision.



The NDIA does not always share information that is:

- easy to understand
- the same every time.



This includes information they share:

- on their website
- in the letters they send to participants.



They are also not telling participants when they need more time to make a decision about:

- if someone can join the NDIS
- a person's NDIS plan.



Participants can call the National Contact Centre to ask if the NDIA have made a decision about:

- if they can join the NDIS
- their NDIS plan.



But the staff who answer the calls don't get enough support.

It can be hard for staff to give participants good information about when the NDIA will make a decision.

Our suggestions



We have 5 ideas to **suggest** to the NDIA.

When we suggest something, we share an idea that will make things better.



These ideas will help the NDIA share better information about the PSG with participants when they first join the NDIS.

1. The NDIA should update information on their website about how long it takes them to make decisions.



This includes:

- forms
- videos
- documents.



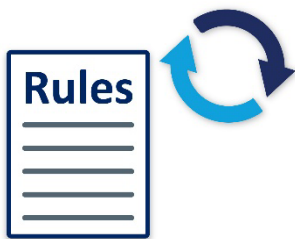
The website should include information about how long it will take the NDIA to make decisions about:

- if someone can join the NDIS
- a person's NDIS plan.



2. The NDIA should update the letters they send to participants when they first join the NDIS.

These letters should explain how long it will take them to make these decisions.



3. The NDIA should update their rules about how to share this information.

This includes their guidelines and **policies**.

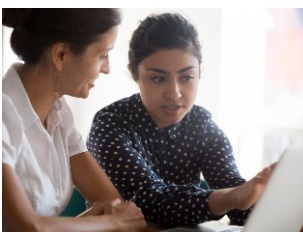
A policy is a plan for how an organisation should do things.



Good policies and guidelines will help staff answer questions participants have.

The NDIA should explain what information staff can share while participants wait for a decision about:

- if they can join the NDIS
- their NDIS plan.



4. The NDIA should write a policy to support staff who work in the National Contact Centre.

The policy will help staff share this information with participants while they wait for a decision.



5. The NDIA should create a way of letting participants know when they need more time to make a decision.



When the NDIA doesn't share information about a decision on time, the NDIA should explain:

- why they need more time to make the decision
- when they will make the decision.



The NDIA have agreed to the 5 ideas we suggested.

This means the NDIA will start doing the things that we suggested.

Word list

This list explains what the **bold** words in this document mean.



Guarantee

A guarantee is like a promise.



National Disability Insurance Agency (NDIA)

The NDIA runs the NDIS.



National Disability Insurance Scheme (NDIS)

The NDIS is a way of supporting people with disability around Australia.



NDIS plan

An NDIS plan explains:

- you and your goals
- what support you need.



Participant Service Guarantee (PSG)

The PSG is a set of rules the NDIA must follow.



Participants

Participants are people with disability who take part in the NDIS.



Policy

A policy is a plan for how an organisation should do things.



Suggest

When we suggest something, we share an idea that will make things better.

Contact us



You can call us.

1300 362 072



You can send us an email.

ombudsman@ombudsman.gov.au



You can write to us.

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You can visit our website.

www.ombudsman.gov.au



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Investigation into the National Disability Insurance Agency's preparation to meet the Participant Service Guarantee

June 2022

Report by the Acting Commonwealth Ombudsman,
Penny McKay, under the *Ombudsman Act 1976*

REPORT NO. **02 | 2022**

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EXECUTIVE SUMMARY

The Participant Service Guarantee (PSG), proposed by Mr David Tune AO PSM in his *Review of the National Disability Insurance Scheme Act 2013* (the Tune Review) published in January 2020, has the potential to significantly improve participants’ experience of the National Disability Insurance Scheme (NDIS).

What is the PSG

The PSG responds to the issues commonly complained about by NDIS participants, such as delays in decision-making and lack of information. The PSG includes principles to guide engagement with participants, service standards and timeframes designed to improve the timeliness and quality of the National Disability Insurance Agency’s (NDIA) decision-making, as well as strengthened performance monitoring and reporting requirements for the NDIA.

The Australian Government’s response to the Tune Review committed to legislate the PSG. The NDIA demonstrated its commitment to improving participants’ experience of the NDIS by agreeing to operationalise the PSG through its own Participant Service Charter (the Charter), which was released in August 2020.

The role of the Commonwealth Ombudsman in this investigation

We are pleased the Tune Review and the Government’s response considered the Office of the Commonwealth Ombudsman (the Office) best placed to monitor and report on the NDIA’s performance against the PSG.

This investigation considers the NDIA’s preparation to meet the PSG, focusing on the NDIA’s actions during the 2020–21 financial year to implement the PSG administratively through the Charter.

We considered the NDIA’s approach to planning for the PSG, monitoring and reporting the NDIA’s performance against the timeframes, engagement principles and service standards in the Charter, and actions taken to embed the PSG in how the NDIA delivers services to participants.

What we found

Our investigation found the NDIA is creating a solid foundation for delivering on the PSG to ensure the NDIA can deliver a timely and quality experience for NDIS participants. The NDIA is making good progress in measuring and reporting against, and meeting, the PSG timeframes. While the NDIA is also making good progress towards measuring and reporting on the engagement principles and service standards, we consider further development is required to enable the NDIA to report meaningfully on these qualitative elements of the PSG.

Strengthening the NDIA’s PSG implementation planning

The NDIA is making progress in preparing to implement the PSG. The NDIA’s commitment to meet the requirements of the PSG is recorded in its highest-level strategic planning document – the NDIA Corporate Plan – and it has begun putting those requirements in place through a range of existing and planned implementation activities.

At the same time, we think the NDIA’s approach to implementing the PSG could be strengthened by developing a single overarching implementation plan for the PSG, drawing together all its existing and planned implementation activities in one place. A consolidated implementation plan would provide greater assurance to participants and others that the NDIA has a plan to deliver against each specific requirement of the PSG.

Commonwealth Ombudsman – Investigation into the National Disability Insurance Agency’s preparation to meet the Participant Service Guarantee

The NDIA’s progress implementing the PSG timeframes

The NDIA is gradually introducing new target timeframes and publicly reporting on its performance. These timeframes set out how long the NDIA will take to make decisions that may impact participants including access, planning and plan reviews.

The NDIA is still developing some aspects of its quantitative performance methodology and is not yet reporting on a small number of timeframes publicly. The NDIA continues to make significant progress towards refining its quantitative performance framework including ensuring reporting is transparent and available to the public in a timely manner.

Strengthening the NDIA’s qualitative performance framework

While the NDIA is making progress towards developing a performance methodology to measure and report on the engagement principles and service standards, its focus on these requirements is less mature than the NDIA’s approach to target timeframes, with more work needed to establish a sound performance methodology.

We acknowledge qualitative measures about how the NDIA engages with participants may be more complex to measure and report on than quantitative measures, but as the Tune Review identified, qualitative measures are no less important. A robust performance framework that enables the NDIA to report on qualitative aspects of the PSG is key to ensuring the quality of the NDIS participant experience.

For this reason, we consider the NDIA should prioritise work to further mature its performance framework to ensure it can measure and report on the quality of services consistent with the engagement principles and service standards to meet the requirements of the legislated PSG.

Principles of good public administration applicable to all agencies

In considering the NDIA’s progress in preparing to implement the legislated PSG, this investigation identifies several principles of good public administration applicable to all Australian Government agencies. Agencies should:

- ensure all activities required to deliver a program are consolidated in an implementation plan to provide assurance about what activities will take place, including expected timing and ownership of deliverables, and how progress and program performance will be monitored
- establish clear performance frameworks and reporting requirements to enable meaningful performance reporting and support the agency to assess how well it is achieving its stated goals and objectives
- establish clear policies setting out requirements for the communication or publication of performance information to ensure publicly available information is as accurate and timely as possible
- ensure quality measurement and reporting is incorporated into program management and delivery, including to support continuous improvement.

Our recommendations and suggestions to the NDIA

The NDIA is committing significant time and resources to operationalise the PSG administratively through the Charter in circumstances where the final content of the PSG is not settled. While the PSG Bill was passed in April 2022, the detailed requirements set out in the PSG Rules remain in draft at this time.

Commonwealth Ombudsman – Investigation into the National Disability Insurance Agency’s preparation to meet the Participant Service Guarantee

While the precise timeframes, engagement principles and service standards proposed to be included in the PSG were not legislated at the time of our investigation, we consider these features of the Charter represent good administrative practice and support the NDIA’s commitment to operationalise these requirements ahead of the legislated PSG.

We make 5 recommendations which are intended to support the NDIA’s ongoing work to meet the legislated PSG.

The NDIA accepted all 5 recommendations made in this report (see **Appendix C**) and provided timeframes to implement the recommendations. Having regard to the actions the NDIA must take to fully implement the recommendations, and noting the PSG is now legislated, we consider these timeframes are reasonable.

RECOMMENDATIONS

RECOMMENDATION 1: OVERARCHING IMPLEMENTATION PLAN

We recommend the NDIA develop an overarching implementation plan to manage its delivery of the PSG, which draws together existing and planned implementation activities in a single place.

RECOMMENDATION 2: PAUSING TIMEFRAMES

We recommend the NDIA conduct regular and ongoing analysis of pauses to timeframes under the PSG. This information should be used to identify trends and risks and to inform mechanisms to safeguard against negative impacts on participant experience.

RECOMMENDATION 3: QUALITATIVE PERFORMANCE MEASUREMENT AND REPORTING FRAMEWORK

We recommend the NDIA develop a PSG qualitative performance measurement and reporting framework, which includes at a minimum the sources of performance information, how each are used in reporting and details of how often each will be reviewed.

RECOMMENDATION 4: PSG TIMEFRAME PERFORMANCE ON WEBSITE

We recommend the NDIA develop a policy for publishing PSG timeframe performance information on its website. At a minimum, the policy should set out what information is published and how often the information will be updated.

RECOMMENDATION 5: END-TO-END QUALITY REVIEW GUIDES

We recommend the NDIA review End-to-End Quality Assurance review guides used to measure performance against the engagement principles, so that where possible, all service standards are rephrased as questions.

We note the NDIA stated that it implemented recommendation 4 through action taken to publish quarterly reports on its website. As noted in this report, the NDIA began publishing timeframe performance information on a dedicated webpage in August 2021, in addition to the publication of the quarterly reports. In our view, this is a positive step that increased transparency of the NDIA’s performance by providing an easy way for participants to find and view this information. We encourage the NDIA to ensure any departure from this approach to publishing performance information maintains transparency and ensures participants can continue to access this information easily.

Commonwealth Ombudsman – Investigation into the National Disability Insurance Agency’s preparation to meet the Participant Service Guarantee

We also make 7 suggestions in this report for the NDIA to consider. These suggestions relate either to actions the NDIA is planning to take, or may take in future, or relatively minor changes to the NDIA’s current approach where we consider small adjustments may be beneficial. These suggestions are captured in **Appendix B** to this report.

INTRODUCTION AND SCOPE OF INVESTIGATION

1.1 In June 2019, the Australian Government commissioned a review of the *National Disability Insurance Scheme Act 2013* (the NDIS Act) to examine participants’ experience of the NDIS and find opportunities for improvement. In December 2019, independent expert Mr David Tune AO PSM delivered his *Review of the National Disability Insurance Scheme Act 2013* (the Tune Review) to the government. The Tune review was published by the Department of Social Services (DSS) in January 2020.

1.2 The Tune Review concluded the NDIS Act was broadly fit for purpose but made 29 recommendations aimed at removing red tape and improving participants’ experience of the NDIS through the introduction of a legislated Participant Service Guarantee (PSG). Eighteen of the 29 recommendations in the Tune Review suggested amendments to the NDIS Act and *National Disability Insurance Scheme Rules* (NDIS Rules) made under that Act, including enacting legislation to give effect to a PSG.¹

1.3 Specifically, the Tune Review observed that people with disability reported frustration with the administration of the NDIS by the NDIA, and that transparency, consistency and timeliness in decision-making are critical issues the NDIA should address. To this end, the Tune Review recommended the NDIA improve transparency and accountability of decision-making processes, including making information about the time it takes for the NDIA to make decisions publicly available.

1.4 The Tune Review also recommended the NDIA introduce engagement principles to ensure the NDIA is accountable for the way it engages with, and works alongside, people with disability.² The Tune Review set out 20 timeframes within which the NDIA should make certain administrative decisions. It also suggested 5 engagement principles, each with proposed service standards setting out what the NDIA must do to meet each engagement principle.

1.5 In August 2020, the Government delivered its response to the Tune Review. The Government’s response supported 27 of the 29 recommendations made in the Tune Review and supported in principle the other 2 recommendations (related to the management of planning meetings and funding arrangements) but did not specifically commit to implementing those recommendations as made in the Tune Review.

1.6 The Government initially committed to legislate the PSG by 1 July 2020. However, the introduction of a Bill to legislate the PSG was delayed, including due to the impact of the COVID-19 pandemic. In the absence of a legislated PSG, the NDIA agreed to implement the PSG administratively, and report publicly on its performance against the PSG timeframes and service standards, to the extent possible, from 1 July 2020.³

1.7 The NDIA demonstrated its commitment to implement the PSG by releasing the Participant Service Charter (the Charter) in August 2020, which contains the PSG timeframes and engagement principles.

¹ David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, pages 13 - 16.

² David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, page 11.

³ Australian Government, [Australian Government Response to the 2019 Review of the National Disability Insurance Scheme Act 2013 Report](#), August 2020.

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1.8 On 9 September 2021, DSS published an exposure draft of the National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Amendments) Bill 2021, as well as an exposure draft of the National Disability Insurance Scheme (Participant Service Guarantee) Rules 2021 (the draft PSG Rules) for public consultation.⁴

1.9 On 28 October 2021, a revised Bill – named the National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Bill 2021 (the PSG Bill) – was introduced into the House of Representatives. On 30 March 2022, the Australian Parliament passed the PSG Bill. The Bill received the Royal Assent on 1 April 2022.

1.10 The key amendments to the NDIS Act dealing with the new PSG commenced on 8 April 2022. These amendments will be supplemented by new rules to be made under s 209 of the NDIS Act, which at the time of this investigation were still in draft form.

Our role

The role of the Commonwealth Ombudsman

1.11 The Office was established under the *Ombudsman Act 1976* (the Ombudsman Act) to investigate complaints and provide independent oversight of public administration by Australian Government agencies and certain private sector entities. If the Ombudsman finds errors or areas for improvement during this oversight work, the Ombudsman may make recommendations to agencies to help improve government administration.

1.12 The Office is confined to investigating ‘action that relates to a matter of administration’.⁵ In practice, this means, the Office does not investigate the policy decisions made by the government of the day, rather, we consider whether government departments and statutory agencies act with integrity and treat people fairly in administration.

1.13 As part of its oversight role, the Office takes complaints about the NDIA’s administrative actions and decisions. We can also consider complaints about the NDIA’s Partners in the Community (PiTC), which include Early Childhood Early Intervention (ECEI) and Local Area Coordinator (LAC) services.

Specific oversight of the PSG

1.14 The Tune Review recommended the Office have responsibility for monitoring and reporting on the NDIA’s performance against the PSG, including using our capacity to investigate individual complaints about timeframes for decision-making set out in the PSG, and monitoring complaints with a view to identifying systemic issues.⁶

1.15 As the development of a Bill to implement the PSG was delayed, the former Ombudsman, Mr Michael Manthorpe PSM, commenced an own motion investigation under s 5 (1)(b) of the Ombudsman Act to assess and report against the NDIA’s preparation for the implementation of the PSG in 2020–21.

⁴ See engage.dss.gov.au/proposed-ndis-legislative-improvements-and-the-participant-service-guarantee/ and engage.dss.gov.au/proposed-ndis-legislative-improvements-and-the-participant-service-guarantee/a-new-ndis-rule-the-participant-service-guarantee/.

⁵ *Ombudsman Act 1976* s 5(1)(b), which relates to own motion investigations.

⁶ David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, page 170, recommendation 26.

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1.16 The recent amendments to the NDIS Act introduced a new s 204A which requires the Commonwealth Ombudsman to prepare and give to the Minister a report about matters prescribed by the NDIS Rules as soon as practicable after the end of each financial year. The report will also be tabled in the Australian Parliament. In preparing the report, our powers under the Ombudsman Act will apply as if preparation of the report were an investigation under s 8 of the Ombudsman Act.

1.17 The draft PSG Rules⁷ set out the matters to be contained in the Ombudsman’s annual report under the new s 204A of the NDIS Act. Under the draft rules, the report can cover some or all of the following:

- The collective performance of the NDIA during the relevant year against one or more of the engagement principles and service standards in the PSG Rules.
- The performance of the NDIA against one or more of the timeframes that apply to the NDIA and its CEO under the NDIS Act or the PSG Rules.
- Other matters relating to the experience of participants, or prospective participants, relating to decisions by the NDIA or CEO under the NDIS Act or the PSG Rules.

1.18 The Office will continue working with the NDIA both to monitor the NDIA’s performance as it implements the legislated PSG, including identifying opportunities for the NDIA to improve its approach to administering the PSG, and to prepare for the first report under new s 204A, pending introduction of the new NDIS Rules.

Investigation scope

1.19 This investigation assesses the NDIA’s performance against the PSG during 2020–21, in relation to:

- The NDIA’s progress in implementing the PSG administratively against the timeframes, engagement principles and service standards it set for itself in the Charter.
- The NDIA’s preparations and readiness to implement the PSG once legislation commenced (that is, their preparation to meet the requirements set out in the PSG Bill and the draft PSG Rules).

1.20 The Office was mindful to ensure the focus of this investigation does not duplicate the NDIA’s obligations to report its performance against the PSG. Instead, our investigation aims to provide assurance in relation to the NDIA’s administrative performance, including its ability to monitor and report on how delivery against the PSG contributes to an improved participant experience of the NDIS.

1.21 Part 2 of this report provides a summary of the NDIA’s actions to implement the PSG administratively through the Charter. Part 3 of this report considers how the NDIA embedded the Charter into its performance reporting framework. Part 4 assesses how the NDIA is communicating about the PSG, particularly with staff, participants, and prospective participants. Finally, Part 5 looks at how the NDIA is working to improve its performance against the PSG.

1.22 A glossary of key terms is provided at **Appendix A**.

⁷ Exposure Draft - National Disability Insurance Scheme (Participant Service Guarantee) Rules 2021, s 16.

Legislative operating environment

1.23 Given legislation to enact the PSG had not passed during the period that this investigation covers, we did not assess the NDIA’s performance against the requirements of the PSG Bill (now enacted) or draft PSG Rules. At the same time, broadly speaking, we considered the NDIA’s preparation and readiness to implement the PSG once legislated, noting the NDIA had already committed to adopting many of the requirements in the PSG Bill when we commenced our investigation.

1.24 Any reference to the specific components of the PSG, refer to the publicly available versions of the PSG Bill and draft PSG Rules. We use the text of the PSG Bill as it was introduced into the Australian Parliament on 28 October 2021⁸ and the exposure draft of the PSG Rules published by DSS during public consultation.⁹ Whilst the PSG Bill was amended prior to being passed by the Australian Parliament on 30 March 2022, those amendments did not materially affect the provisions dealing with the PSG.

Investigation methodology

1.25 Prior to commencing the investigation formally, the Office met with multiple business areas in the NDIA to gather preliminary information about the NDIA’s administrative arrangements to implement the PSG. This information assisted the Office to tailor a request for information under s 8 of the Ombudsman Act.

1.26 In response, the NDIA provided a large volume of primary documents accompanied by a written response to our questions. These documents formed the basis of our review of the NDIA’s preparations to meet the PSG. We engaged with the NDIA during the investigation to address information gaps and confirm our understanding of the information the NDIA provided to the Office.

1.27 Our observations, findings, recommendations, and comments are based on our assessment of the material provided by the NDIA and the issues we identified during the investigation.

1.28 The Office provided the CEO of the NDIA with the opportunity to comment on a draft of our investigation report. The NDIA’s formal response is attached to this report as

Appendix C.

1.29 The Office sincerely thanks those staff from the NDIA who provided information to assist with this investigation.

⁸ Parliament of Australia, National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Bill 2021.

⁹ Department of Social Services, *Exposure Draft – Participant Service Guarantee Rules*.

THE PATH TO IMPLEMENT THE PSG

Developing the NDIA’s Participant Service Charter

2.1 In August 2020, the then Minister for the NDIS, the Hon Stuart Robert MP, announced that until the PSG was introduced into legislation, the NDIA would implement the PSG administratively.¹⁰ In practice, this meant the NDIA would introduce the timeframes, service standards, and engagement principles contained in the PSG and report on these before the legislation to enact the PSG was formally introduced.

2.2 To achieve this, the NDIA updated its Charter following consultation with key stakeholders, including NDIS participants, the NDIA Employee Disability Network, staff from PiTC, the Independent Advisory Council, and the NDIS CEO Forum over a period of 3 months. The NDIA introduced the revised Charter in August 2020, followed closely by a Participant Service Improvement Plan (the SIP). The Charter sets out what participants should expect when interacting with the NDIA, while the SIP sets out what activities the NDIA needs to undertake to deliver the NDIS in a way that effectively meets participants’ expectations.

2.3 At the time the Charter was released in August 2020, the Minister explained that including service standards and clear timeframes for the NDIA would make navigating the NDIS easier for participants and their families.¹¹ The PSG, and the Charter, aim to respond to the issues most commonly complained about by participants – including delays in decision-making and a lack of information – by establishing principles for engagement and setting clear timeframes for the NDIA to take certain actions.

Figure 1: Components of the PSG



¹⁰ Minister for the National Disability Insurance Scheme, [Media Release: Landmark reforms to deliver on the promise of Australia’s NDIS](#), 28 August 2020.

¹¹ Minister for the National Disability Insurance Scheme, [Media Release: Landmark reforms to deliver on the promise of Australia’s NDIS](#), 28 August 2020.

Charter engagement principles

2.4 The Charter contains 5 engagement principles designed to give participants, prospective participants, and their representatives certainty about how the NDIA will engage with them.¹²

2.5 Each engagement principle in the Charter is accompanied by a broad statement explaining what the principle means in practice (set out in Table 1 below) and includes 3-4 specific statements about what the NDIA will do to meet the engagement principle.¹³

Table 1: PSG Engagement Principles in the Charter

Principle	What this means
Transparent	We will make it easy to access and understand our information and decisions
Responsive	We will respond to individual needs and circumstances
Respectful	We will recognise your individual experience and acknowledge you are an expert in your own life
Empowering	We will make it easy to access information and be supported by the NDIS to lead your life
Connected	We will support you to access the services and supports you need

Charter timeframes

2.6 In addition to the engagement principles, the Charter sets out target timeframes for the NDIA to deliver services and support participants. The timeframes provide certainty for participants about when the NDIA will make decisions.¹⁴

2.7 The Charter contains 20 timeframes for the main interactions a participant or prospective participant may have with the NDIA at the access, planning and review stages.¹⁵

Table 2: PSG Timeframes in the Charter

Timeframe Number ¹⁶	Category	Description	Timeframe
1	General	Explanation of a previous decision, after a request for explanation is received	28 days
2	Access decisions	Make an access decision, or request for more information, after an access request has been received	21 days

¹² Australian Government, [Australian Government Response to the 2019 Review of the National Disability Insurance Scheme Act 2013 Report](#), August 2020, page 9.

¹³ National Disability Insurance Agency, [Participant Service Charter](#), page 4.

¹⁴ Australian Government, [Australian Government Response to the 2019 Review of the National Disability Insurance Scheme Act 2013 Report](#), August 2020, page 9.

¹⁵ National Disability Insurance Agency, [Participant Service Charter](#), pages 4-5.

¹⁶ This numbering system has been used for ease of referencing timeframes throughout the report.

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Timeframe Number¹⁶	Category	Description	Timeframe
3		Allow sufficient time for prospective participants to provide information, after NDIA has requested further information	90 days
4		Make an access decision, after the final information has been provided	14 days
5	Planning	Commence facilitating the preparation of a plan, after an access decision has been made	21 days
6		Approve a participant’s plan, after an access decision has been made	70 days
7		Approve a plan for ECEI participants, after an access decision has been made	90 days
8	Implementation	Offer to hold a plan implementation meeting, after the plan is approved	As soon as reasonably practical
9		If the participant accepts the offer, hold a plan implementation meeting	28 days
10		Provide a copy of the plan to a participant, after the plan is approved	7 days
11	Plan review	Commence facilitating a scheduled plan review, prior to the scheduled review date	56 days
12		Decide whether to undertake a participant requested plan review, after the request is received	21 days
13		Complete a participant requested review, after the decision to accept the request was made	42 days
14	Plan variations	Vary a plan, after the receipt of information that triggers the plan amendment process	28 days
15		Vary a plan, after receipt of information relating to a complex quote that triggers a plan amendment process	50 days
16		Provide a copy of the plan to a participant, after the plan is amended	7 days
17	Reviewable decisions	Complete an internal review of a reviewable decision, after a request is received	90 days
18		Implement an Administrative Appeals Tribunal (AAT) decision to vary a plan, after receiving notification of the AAT decision	28 days
19	Nominee	Cancel participant requested nominee	14 days
20		Cancel CEO initiated nominee	14 days

Differences between the Charter, the Tune Review, and the draft Rules

2.8 The timeframes and engagement principles contained in the Charter broadly align with the recommendations in the Tune Review, with some differences.

2.9 While both documents define what a participant can expect from, and how services should be delivered by the NDIA, the current version of the Charter is less detailed than the engagement principles set out in the Tune Review.¹⁷

2.10 The Charter provides a broad definition for each engagement principle, followed by 3 to 5 ‘we will’ statements indicating what the NDIA will do to give effect to the engagement principle. By comparison, the Tune Review includes a similarly broad definition and between 3 to 7 proposed service standards against each principle.

2.11 At the same time, we note the NDIA adopted 4 additional timeframes in the Charter that were not recommended in the Tune Review. These set out timeframes for action required by the NDIA’s National Contact Centre and complaint handlers.

2.12 The draft PSG Rules are aligned more closely with the Tune Review’s approach rather than the NDIA’s current Charter, with the content of the service standards in particular aligning closely with the Tune Review’s proposals.

2.13 While the Charter in its current form demonstrates the NDIA’s commitment to meet the legislated PSG, the NDIA also needs to remain mindful the draft PSG Rules are more prescriptive. For this reason, the NDIA should start considering how to address the gaps between the service standards in the Charter and those set out in the draft PSG Rules.

Introducing the new timeframes

2.14 The Tune Review observed that limitations in the NDIA’s workforce and ICT systems may impact the NDIA’s ability to meet the PSG timeframes from 1 July 2020, when it was originally expected the PSG legislation would commence. The Tune Review therefore recommended the NDIA introduce the target timeframes progressively – beginning with longer timeframes during 2020–21 – to allow the NDIA additional time to make decisions affecting participants.

2.15 While this investigation did not assess actions taken by the NDIA in relation to its workforce preparedness or ICT systems capability in advance of the legislated PSG, we note the Charter includes the longer timeframes, which is consistent with the Tune Review’s approach. We also observed during our investigation that despite the Charter including these longer timeframes, the NDIA made significant progress towards reporting its performance against the Tune Review’s shorter timeframes in the NDIA’s quarterly reports during 2020-21.

2.16 The NDIA recognises it will need to update the Charter to ensure alignment with the legislated PSG requirements set out in the NDIS Act, and the Rules once introduced.

NDIA planning to support implementation of the PSG

2.17 The NDIA’s commitment to implement the Charter and the PSG is captured in the NDIA’s highest level strategic planning documents and in some operational planning documents. These are summarised below and discussed further from 2.18.

¹⁷ David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, pages 155-59.

Summary of key NDIA documents incorporating the PSG	
NDIA Corporate Plan	The NDIA’s Corporate Plan 2021–25 sets out the high-level action the NDIA will take to deliver the PSG and commits the NDIA to: <ul style="list-style-type: none"> • embed the Charter in 2022, and • maintain focus on strategic improvements by delivering the actions in [the] Participant Service Charter.¹⁸
NDIA Service Charter	This sets out the PSG timeframes and engagement principles and explains how participants will know if the NDIA is delivering against the Charter.
NDIA Participant Service Improvement Plan	This sets out what the NDIA is doing over the next two years to deliver a NDIS that meets participant expectations. The NDIA says the SIP is the key to making real the promises in the Charter and the PSG.
Charter Embedding Action Plan	An internal document which sets out various operational activities the NDIA is undertaking to implement the PSG.

2.18 In addition to the NDIA’s Corporate Plan and annual and quarterly reports, the NDIA developed or updated key operational documents to reflect PSG requirements. These documents link the NDIA’s strategic vision with operational requirements and set out how the NDIA will achieve its PSG commitments under the NDIA’s Corporate Plan.

2.19 The key operational planning documents include the Charter and the Service Improvement Plan (SIP) (discussed above from 2.2). The NDIA intends for those documents to complement one another. The Charter states its ‘what you can expect from us’ service commitments are taken from the SIP and the introductory paragraph of the SIP explains it is ‘the key to making real’ the NDIA’s promises in the Charter and PSG.¹⁹

2.20 The SIP contains important commitments aimed at improving the participant experience of the NDIS. However, we are uncertain about the extent to which some of these commitments could be said directly to achieve the requirements of the engagement principles in the PSG.

2.21 In our view, the link between the PSG and the SIP would benefit from further clarification, as the NDIA has not outlined explicitly how delivering on each SIP commitment demonstrates delivery of certain elements of the PSG. For example, one of the Charter commitments is to ‘communicate in your preferred format’, but there is no SIP commitment focused on ensuring participants receive communication in their preferred format.

2.22 At the same time, we recognise some Charter commitments align closely with the SIP. For example, one of the Charter commitments is to ‘provide you with a staff member to contact so you only need to tell us information once’ and the SIP contains a commitment to ‘have a current contact name for all your interactions with us’.

2.23 In our view, developing a clearer and more explicit link between the SIP and PSG will enable the NDIA to clearly provide assurance to participants and others that implementation of the SIP will deliver against specific PSG requirements. We consider further efforts to

¹⁸ National Disability Insurance Agency, [Corporate Plan 2021–2025](#), pages 26-27.

¹⁹ National Disability Insurance Agency, [Participant Service Improvement Plan 2021–21](#), page 2.

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provide this level of assurance and build confidence amongst participants and others will become more important as the NDIA implements the legislated PSG.

2.24 The NDIA advised the Office that in addition to the high-level strategic planning documents mentioned above, its Pathway to Green project is a key part of its planning to support implementation of the PSG. Pathway to Green is a project initiated by the NDIA in October 2020 to help improve its performance against PSG timeframes. Pathway to Green is discussed further in Part 5.

NDIA’s Charter Embedding Action Plan

2.25 The NDIA’s Charter Embedding Action Plan (the CEAP) sets out in detail the activities the NDIA needs to complete to embed the Charter and assigns each activity to an owner. Some of the actions set out in the CEAP include updating and delivering internal training, developing and implementing internal communication, updating procedures, and reviewing the NDIA’s quality management framework.

2.26 Based on our assessment, the NDIA has completed or made progress against most of the activities it committed to in the CEAP. These are discussed throughout this report. Some of the more significant actions taken by the NDIA against the CEAP include:

- Updating Operational Guidelines to provide staff and the public with clear information about how long it will take the NDIA to do certain actions listed in the Charter, for example, start preparing a plan, hold a meeting with a participant or send a participant a copy of their plan.²⁰
- Finalising the Charter eLearning module to assist staff to understand the importance and purpose of the Charter and PSG and how both apply to their work.
- Developing the Charter Toolkit, a guidance document for team leaders designed to encourage teams to consider independently how decision-makers should apply the engagement principles in everyday work.
- Incorporating the engagement principles into the NDIA’s awards to recognise staff and Partners in the Community (PiTC) when they deliver services that align to the engagement principles.

2.27 We suggest the NDIA continue to deliver on the activities in the CEAP that are outstanding. Some of the more significant outstanding activities that will position the NDIA to deliver the PSG include:

- Updating the NDIA’s standard operating procedures (SOPs) and Operational Guidelines to include direct references to the PSG, to ensure staff can access information about how the PSG applies to their decision-making (discussed further in Part 4).
- Updating the NDIA Access Request Form to include links to information about the PSG and Charter, to connect prospective participants to information about what they can expect from the NDIA.

²⁰ National Disability Insurance Scheme, [Creating your Plan and Your Plan Operational Guidance](#), accessed 13 September 2021.

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- Incorporating the PSG into the NDIA’s Quality Management Framework, to enable the NDIA to gain assurance about how it is performing against the PSG (discussed further in Part 5).

Overarching implementation plan for the PSG

2.28 The NDIA’s efforts to include the PSG in various planning documents is a significant and positive step that demonstrates the NDIA’s commitment to, and vision for, delivering the PSG. This vision forms the foundation for several operational documents outlining some of the improvements the NDIA will make to deliver the PSG, and ultimately improve participants’ experience of the NDIS.

2.29 While the NDIA’s high-level strategic commitment and vision is clear from these documents, the NDIA is yet to develop a consolidated and comprehensive implementation plan for the PSG drawing together in a single document all elements of the work it will undertake to deliver the PSG.

2.30 We recognise the NDIA is making meaningful progress via a range of existing plans and activities, with a view to delivering the legislated PSG. While these documents each serve a purpose as part of a broader, theoretical framework to support implementation of the PSG, there is no overarching implementation plan for the PSG, which captures all relevant activities in a single place.

2.31 In our view, consolidating existing work in a single comprehensive implementation plan would assist the NDIA to bring together the various projects already underway or planned to meet the legislated PSG. This would enable the NDIA to identify key deliverables and milestones, describe core capabilities and outcomes required to support delivery, assign clear points of responsibility, clearly define outputs, and identify risks to effective delivery of the PSG. This would also create a single reference document enabling the NDIA to track the progress of and provide assurance of activities in support PSG implementation.

Recommendation 1

We recommend the NDIA develop an overarching implementation plan to manage its delivery of the PSG, which draws together existing and planned implementation activities in a single place.

UPDATING THE NDIA’S PERFORMANCE REPORTING FRAMEWORK

3.2 Our investigation considered whether the NDIA has incorporated the requirements set out in the Charter and PSG appropriately in its performance framework. We also considered actions taken by the NDIA to improve transparency in its performance reporting during 2020-21. The NDIA’s progress against both are instrumental to the NDIA’s preparedness to fully implement the legislated PSG.

3.3 Under s 174 of the NDIS Act, the NDIA must produce a quarterly report about its operations for the Ministerial Council.²¹

3.4 Consistent with the recommendations in the Tune Review, the amendments to the NDIS Act proposed by the PSG Bill, combined with the draft PSG rules (which are yet to be made at the time of this investigation), expand what the NDIA must report on publicly to include specific aspects of the NDIA’s performance against the PSG, including performance against each engagement principle and related service standards, as well as how the NDIA is performing against each of the timeframes.²²

3.5 Effectively embedding the PSG into the NDIA’s performance framework is a crucial step for the NDIA as it prepares for the PSG to be legislated. The following section first considers the NDIA’s progress in measuring and reporting its performance against the PSG timeframes consistent with this commitment. The subsequent section then considers how the NDIA is incorporating the engagement principles and service standards into its performance framework.

NDIA PERFORMANCE AGAINST PSG TIMEFRAMES

Reporting methodology

3.6 During 2021 the NDIA progressed work to strengthen its approach to measuring performance against PSG timeframes. The NDIA identified a start and end date to calculate most of the target timeframes, with the exclusion of those the NDIA identified as ‘automated’.

3.7 Where the NDIA identified calculation methods to be strengthened, it flagged planned amendments to its approach, including refinements to reporting methodology with a view to ensuring consistent, reliable reporting that can be easily compared across multiple reporting periods.

3.8 At the end of the 2020–21 financial year, the NDIA was not yet reporting publicly on its performance against 3 of the 20 PSG timeframes because the reporting methodology for those was still in development. In relation to Timeframe 8 (offering to hold a plan implementation meeting), the NDIA advised it is yet to identify a reliable data measure for this metric. For Timeframes 10 and 16 (providing a copy of a plan to a participant either following plan approval or amendment), the NDIA advised it could not yet report on these

²¹ NDIS Act, s 9 defines “Ministerial Council” to mean a body: (a) that consists of Ministers of the Commonwealth, States and Territories; and (b) that has been designated by the Council of Australian Governments (COAG) as having responsibilities relating to the National Disability Insurance Scheme.

²² See Schedule 1, item 51 of the National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Bill 2022 and the Exposure Draft, [National Disability Insurance Scheme \(Participant Service Guarantee\) Rules 2021](#), section 15.

timeframes because they involve an automated process. The NDIA did not expand on why this automation meant it was unable to report its performance for these 2 timeframes.

3.9 In our view the NDIA made good progress in 2020–21 towards reporting against the shorter PSG timeframes proposed in the Tune Review as discussed above at 2.15. By the first quarterly report for 2021–22, the NDIA was no longer reporting against the longer timeframes suggested by the Tune Review and was reporting against all the proposed shorter timeframes. These timeframes are consistent with those in the PSG Bill and draft PSG Rules.

3.10 We did observe, however, that the NDIA’s website and Charter were not updated to make clear the NDIA had shifted from reporting against the longer timeframes to reporting against the shorter timeframes in the first quarterly report for 2021–22. We suggest that if the NDIA’s reporting methodology changes in future, it updates relevant documents to reflect these changes.

Developing performance measures

3.11 At the time of our investigation, the NDIA’s methodology for measuring performance against some timeframes was still in development.

3.12 In relation to how the NDIA will measure its performance against specific timeframes, we note Timeframe 8 of the Charter holds the NDIA accountable for making an offer to a participant to hold a plan implementation meeting, after the participant’s plan is approved. In practice, the offer to hold the meeting could be made by a PiTC. This means the actions of the PiTC could impact whether the NDIA meets certain timeframes. This is discussed further below at 3.29.

3.13 There is a separate timeframe (Timeframe 9) for holding the meeting, if the participant accepts the offer to meet. The timeframe for making the offer for the meeting is ‘as soon as reasonably practical’ and the timeframe for holding the meeting is 28 days following the participant accepting the offer. This timing is consistent with the proposed PSG.

3.14 Given the absence of a specific target for Timeframe 8, we asked the NDIA how it will determine what is a reasonable timeframe for offering this meeting to participants. The NDIA noted it considers ‘a reasonably practical timeframe to be as soon as possible in terms of what best suits a participant’ and that reporting against this timeframe is deferred, to allow the NDIA to develop a definitive timeframe that best meets participants’ need. In our view, it is appropriate for the NDIA to develop and implement a standard timeframe by which it must make the offer to hold a plan implementation meeting.

3.15 While the NDIA is not yet reporting publicly on Timeframe 8, the NDIA advised Timeframe 8 increased from an average of 8.7 days in October 2020 to an average of 15.1 days across February, March, and April 2021.

3.16 At the time of our investigation, the NDIA was working to identify the reasons for the increase in the average time taken to make the offer to hold a plan implementation meeting, but noted that once anticipated reforms to NDIS planning are introduced, the offer for a plan implementation meeting would be made during the course of finalising a participant’s plan or plan review, which would remove any delay.

3.17 Despite these anticipated changes, which may address concerns about potential delay, the Office encourages the NDIA to work towards understanding increases it observes in these timeframes and develop a clearly defined target against which it can measure performance.

3.18 Developing guidance for staff about how to interpret ‘a reasonably practicable timeframe’ would also assist the NDIA to make performance expectations clear and encourage consistency in decision-making.

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3.19 In calculating its performance against all the timeframes in the PSG, the NDIA will also need to consider how it accounts for circumstances that it considers to be outside of its control. The Tune Review stated ‘the timeframes prescribed in the [PSG] should only apply to ordinary NDIA administrative processes. Where a participant is gathering additional information or is otherwise unavailable for a period (for instance they are on a holiday), the timeframes applied to the NDIA should be paused’.²³

Pausing timeframes

3.20 The draft PSG Rules provide for some timeframes to be paused where the NDIA makes a request for additional information from a participant under specific sections of the NDIS Act.²⁴ This means where the NDIA makes a request, the calculation of the timeframe is paused until the participant provides the requested information. Once the information is provided, the calculation then resumes. If the participant provides the information more than 14 days before the timeframe was originally set to end, the NDIA is not given additional time to complete the relevant action or decision. However, if the participant provides the information to the NDIA less than 14 days before the timeframe was originally set to end, the NDIA is given an additional 14 days to complete the relevant action or decision.²⁵

3.21 During our investigation, the NDIA noted it is not currently pausing timeframes when it calculates its performance. Not being able to ‘stop the clock’ on PSG timeframes for participant-initiated delays would negatively impact the NDIA’s ability to meet PSG timeframes for those participants.

3.22 The NDIA noted it is currently analysing the impact of these types of participant-initiated delays on its performance against specific timeframes. Once this analysis is complete, it will recommend how this might be addressed. The NDIA acknowledges there needs to be ‘safety mechanisms’ to ensure participant experience is still timely and responsive, even when pauses are used.

3.23 Given the draft PSG Rules provide for the timeframes to be paused in some circumstances, we consider the NDIA should capture data about how often pauses occur, and the length of such pauses, to ensure transparency about how the NDIA’s actions may impact participants and whether there are actions it can take to assist participants to provide information in a timely manner.

Recommendation 2

We recommend the NDIA conduct regular and ongoing analysis of pauses to timeframes under the PSG. This information should be used to identify trends and risks and to inform mechanisms to safeguard against negative impacts on participant experience.

Incorporating target timeframes into performance requirements

3.24 In July 2020, the NDIA reviewed its Key Performance Indicators (KPIs) for its Participant Experience Delivery (PED) Branch, considering requirements in the NDIA

²³ David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, page 166.

²⁴ Examples include NDIS Act, ss 26(1) and 50(2).

²⁵ Refer to page 8 of [Explanation to the Participant Service Guarantee Rule](#), for a practical example of timeframe pauses.

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Corporate Plan 2020–24, actual performance against previous KPIs, and the requirements in the PSG.

3.25 The review identified the need for new performance targets and measures. The NDIA introduced 10 new KPIs, one relating to the PSG, requiring the NDIA to measure and report on the percentage of PSG timeframes the NDIA met or exceeded. The remaining KPIs cover broader aspects of the NDIA’s performance, including the NDIA’s approach to compliance and quality assurance. As part of our investigation, the Office received several documents relevant to how the NDIA rolled out the new PED KPIs.

3.26 To support the rollout of NDIA’s new performance targets, the NDIA developed a PED KPI Implementation Summary in May 2021 and a PED KPI Project Communications Plan in August 2020. These documents outline the stages of implementation, those responsible for implementation actions, basic supporting messages for staff and details of staff training. The NDIA undertook a series of internal training sessions to introduce the new KPI requirements, from August 2020.

Performance of Partners in the Community

3.27 The NDIA’s PiTC are responsible for providing services to 80 per cent of the NDIA’s customers and perform key functions including Local Area Coordination (LAC) and Early Childhood Early Intervention (ECEI) services. In practice, PiTC are responsible for aspects of plan preparation and plan reviews and are in considerable contact with the public. This means the NDIA’s performance against the PSG is necessarily dependant on the performance of its PiTC.

3.28 The NDIA manages, monitors, and supports the performance of PiTC using an Outcomes Assurance Framework (OAF). The OAF sets out performance targets for PiTC and the methods the NDIA will use to monitor PiTC performance and respond to performance issues.

3.29 In the NDIA’s PED KPI Implementation Summary, the NDIA identified the actions of PiTC could impact the NDIA’s performance of half of the PSG timeframes. Timeframe 8 which requires a PiTC to offer to hold a plan implementation meeting – is one example of where the NDIA’s performance depends on the actions of a PiTC. Another example is Timeframe 19, which requires a partner to submit a request to cancel a participant nominee within a certain timeframe.

3.30 In April 2021, the NDIA updated the performance targets and measures in the OAF to include 2 targets to match the Charter timeframes. The NDIA set a target for its PiTC to commence facilitating the preparation of 95 per cent of plans within 21 days after a participant’s access decision is made. This mirrors the requirement of Timeframe 5 in the Charter. Additionally, the NDIA included performance targets for first plan approval (from access approval date), reflecting target Timeframes 6 and 7.

3.31 In addition to the OAF, the NDIA has contractual agreements with its PiTC, which includes performance requirements. The NDIA updated these agreements to include a clause requiring PiTC to deliver services in line with the Charter.

3.32 We consider the NDIA is making positive steps to incorporate the PSG timeframes into its existing performance criteria for staff and PiTC. The NDIA advised our Office it is considering whether additional KPIs should be included in the OAF, due to the PSG requirements. Given the NDIA identified that half of the PSG timeframes are either partly or wholly dependent on partner performance, we agree the NDIA should continue to review the OAF to ensure the actions of its PiTC contribute to the NDIA meeting PSG timeframes.

Reporting performance against target timeframes

3.33 Consistent with the government’s commitment to report on the NDIA’s performance prior to the legislated PSG, the NDIA began reporting against the Charter timeframes from November 2020, when it published its first quarterly report for 2020–21.

3.34 The NDIA’s quarterly reports contain 6 parts, covering participant outcomes, agency performance, and scheme financial sustainability. In the PSG section of these quarterly reports, the NDIA notes it aims to meet PSG target timeframes 95 per cent of the time. This means, for example, that for Timeframe 6 the NDIA is aiming to approve plans (for non-ECEI participants) within 70 days of an access decision for 95 out of 100 plan approvals.

3.35 The NDIA reported on the majority of the 20 target timeframes in each of the 2020–21 quarterly reports. Across the 2020–21 financial year, the number of timeframes the NDIA reported against increased from 11 of 20 in the first quarterly report, to 17 of 20 in the fourth quarterly report of 2020–21 (published in August 2021).

Figure 2: NDIA performance reporting on PSG timeframes 2020–21



3.36 For timeframes not included in a quarterly report, the NDIA included information about when it expected to be able to report on that target timeframe. In the fourth quarterly report for 2020–21, the NDIA advised it would start reporting against the remaining 3 timeframes in the second quarterly report for 2021–22.²⁶ The remaining 3 timeframes are discussed above at 3.8.

3.37 Of the 17 timeframes included in the fourth quarterly report for 2020–21, the NDIA reported the following performance:

- 7 of 17 timeframes met the NDIA’s 95 per cent target,
- 5 of 17 timeframes between 85-95 per cent, and
- below 85 per cent for the remaining 5 timeframes.

3.38 The NDIA acknowledges through commentary in this report that it has more work to do on 2 of the 10 timeframes below the 95 per cent target – that is, the first plan approval timeframes for those aged 7 and above (91 per cent), and participant requested review timeframes (72 per cent). No additional commentary is offered on the other 8 timeframes that fell below the NDIA’s 95 per cent target.

²⁶ National Disability Insurance Scheme, ‘[Q4 NDIS Quarterly Report to Disability Ministers](#)’, 30 June 2021, pages 61-2.

3.39 We also acknowledge that to date the NDIA focused appropriately on meeting its 95 per cent target for the 20 timeframes. Despite this, it also commenced important work to understand the factors which contribute to it not reaching 100 per cent. We consider this work valuable, as even when the NDIA reaches its target timeframe for 95 per cent of participants, there will be a portion of people for whom the timeframe is not met.

3.40 We suggest the NDIA continue its work in this area to identify themes or trends where a timeframe is not met and opportunities to improve the experience for all participants.

NDIA PERFORMANCE AGAINST THE ENGAGEMENT PRINCIPLES AND SERVICE STANDARDS

3.41 The Tune Review recommended the PSG include engagement principles, as ‘the qualitative aspects of the PSG [which] focus on, principles-based outcomes statements supported by underpinning service standards’.²⁷ The Tune Review saw the benefit in including qualitative aspects in the PSG because ‘a Guarantee based solely around timeframes for decision-making is likely to result in perverse outcomes for participants and risks compromising the quality of the NDIS participant experience’.²⁸ This approach is supported in the government response to the Tune Review and is reflected by the NDIA through the inclusion of the engagement principles in the Charter.

3.42 While the Charter includes the engagement principles, it does not detail how the NDIA will report its progress against the engagement principles, beyond conducting the NDIA’s quarterly Participant Satisfaction Survey. The Charter informs participants that: ‘You will experience a service that is transparent, responsive, respectful, empowering and connected, as *measured in the quarterly Participant Satisfaction survey.*’ [emphasis added]. It further states that: ‘We will aim to reach 90 per cent for all stages of your engagement with us.’²⁹

3.43 The NDIA advised us the Participant Satisfaction Survey is one of the primary ways the NDIA determines how it is meeting the engagement principles in the Charter. The Participant Satisfaction Survey is discussed in more detail below from 3.46.

3.44 The legislated PSG requires the NDIA to follow prescriptive reporting requirements in relation to its PSG performance. Prior to the amendments in the PSG Bill, s 174(3) of the NDIS Act allowed the Minister to set out by legislative instrument what must be included in the NDIA’s quarterly reports. Section 15 of the draft PSG Rule lists the specific performance metrics that must be included in quarterly reports. Specifically, in relation to the engagement principles, the NDIA must report on activities undertaken or improvements made in the quarter about each engagement principle and service standard.

²⁷ David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, page 155.

²⁸ David Tune AO PSM, [Review of the National Disability Insurance Scheme Act 2013 – Removing Red Tape and Implementing the National Disability Insurance Scheme Participant Service Guarantee](#), December 2019, page 153.

²⁹ National Disability Insurance Agency, [Participant Service Charter](#), page 6.

Reporting methodology

3.45 The NDIA uses a variety of sources to evaluate participant experience, including the delivery of the ‘what you can expect’ commitments in the Charter. These include:

- the Participant Satisfaction Survey and the Short Form Outcomes Framework (SFOF)
- the SIP
- the Australian Public Service (APS) Census as it applies to the NDIA, and
- Performance Management and Quality Reviews.

Participant Satisfaction Survey

3.46 The NDIA’s Participant Satisfaction Survey is administered by Australian Healthcare Associates, following a specific recommendation in the Tune Review for the previous survey to be re-designed and conducted independently from the NDIA.

3.47 The current version of the Participant Satisfaction Survey covers 4 main stages of participants’ interactions with the NDIA: access, preplanning, planning, and review. It includes a base survey which remains consistent and additional modules which can be added or removed.

3.48 At the time of our investigation, the NDIA was not meeting its 90 per cent target for participant satisfaction, as measured by the Participant Satisfaction Survey. In the fourth quarterly report for 2020–21, the NDIA reported the following satisfaction results:

- planning process 83 per cent
- access 77 per cent
- pre-planning 77 per cent
- review process 71 per cent.³⁰

3.49 While the Participant Satisfaction Survey results are published in the NDIA’s quarterly reports, the results are not referenced in Part 3 of the quarterly reports, which is dedicated to the NDIA’s PSG performance.

3.50 Noting the NDIA’s commitment to use the Participant Satisfaction Survey to measure its performance against the engagement principles, we suggest the NDIA consider including information about its performance in the Participant Satisfaction Survey in the PSG section of the quarterly reports.

Short Form Outcomes Framework

3.51 In addition to using the Participant Satisfaction Survey, the NDIA advised us that it uses questions from its SFOF to form a view about how it is performing. After reviewing the supporting documents provided by the NDIA, we did not identify how the SFOF results inform the NDIA’s view of how it is performing against the engagement principles.

3.52 While the NDIA demonstrated it considers how the engagement principles align with specific questions in the Participant Satisfaction Survey or the SFOF, based on the information provided during the investigation, we are not satisfied the NDIA has a methodology for measuring its performance using either measure.

³⁰ National Disability Insurance Scheme, [‘Q4 NDIS Quarterly Report to Disability Ministers’](#), 30 June 2021, page 122.

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3.53 We are concerned that in the absence of a clear performance methodology, the NDIA will miss opportunities to use existing or other potential sources of information or feedback to measure and evaluate its qualitative performance.

3.54 The Office is aware the NDIA is currently focused on linking the Participant Satisfaction Survey questions with the engagement principles in the Charter. We suggest the NDIA review this work now the legislation has passed to ensure the Participant Satisfaction Survey aligns with the legislated PSG and can take account of the requirements in the PSG rules when they are made and take effect.

3.55 The NDIA advised no specific changes are planned to the Survey in response to the introduction of PSG. It is working with the Independent Advisory Council (IAC) to build on the Participant Satisfaction Survey to develop a more comprehensive picture of participant satisfaction and will continue to work with the council on additional modules which could be introduced over time to target areas of interest.

Participant Service Improvement Plan

3.56 As discussed above, the Participant Service Improvement Plan (SIP) outlines the activities the NDIA will do to improve participant experience over a 2-year period. The NDIA currently reports on implementation of the SIP through regular updates on the NDIS website and social media channels, and through the quarterly reports to Disability Ministers and the Annual Report. In the 2020–21 Annual Report, the NDIA reported it delivered 16 of the 51 improvements listed in the SIP during the financial year.³¹

3.57 In response to our investigation, the NDIA advised the SIP was not developed specifically to support implementation of the Charter and does not directly measure service standards but noted the alignment between delivering SIP activities and meeting the ‘what you can expect’ commitments in the Charter. In the NDIA’s view, its successful completion of SIP actions is a positive indicator that it is effectively meeting the engagement principles set out in the Charter.

APS Employee Census

3.58 The NDIA uses the APS Employee Census as another indicator to measure its performance against the engagement principles. In October 2020, the NDIA used APS Census results to measure whether its staff understood the engagement principles and the connection to their work. Eighty five per cent of staff indicated they could identify a clear connection between the Charter engagement principles and their work.

Other sources

3.59 While the NDIA identifies several sources of information relevant to the engagement principles, we consider these are indicators of performance, rather than formal performance measures. The sources outlined do not enable the NDIA to report specifically on performance against each of the engagement principles and service standards. For example, while the SIP aligns with elements of the PSG, it does not directly measure service standards.

3.60 In our view, the NDIA would benefit from developing performance measures that draw clear and explicit links between the engagement principles and results achieved. The actions required by the NDIA under the engagement principles and service standards in the draft PSG Rules are in many cases straightforward and easily translated into a performance metric.

³¹ [National Disability Insurance Agency 2020–21 Annual Report](#), page 36.

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3.61 For example, under the engagement principle of ‘Transparency’ the service standard ‘keep participants and prospective participants informed about the progress of decision-making processes under the Act that affect them’ could be measured by defining what are the appropriate frequencies for contact with a participant about progress. Existing processes can then be used to measure if these were being met. Additionally, under the engagement principle of ‘Respect’, there are 2 service standards relating to staff training on various topics. We consider the NDIA should be able to identify meaningful measures for both service standards.

3.62 We observed progress by the NDIA in this area in the fourth quarterly report for 2020–2021, where the NDIA measured its commitment in the Charter to ‘communicate in your preferred format’ by reference to a set of activities undertaken to achieve the commitment. This included making changes to the MyPlace Portal to allow participants to update their preferred contact methods.

3.63 In the following quarterly report for the first quarter of 2021–22, the NDIA did not include reference to this service standard and did not report any further actions. It is therefore unclear if the NDIA is doing more to deliver on this commitment.

3.64 As the NDIA’s implementation of the PSG matures, the NDIA would benefit from further reviewing the appropriateness of the qualitative metrics it uses, including considering the weightings being applied and if there is a need to introduce or explore additional metrics.

3.65 The NDIA acknowledges the need to develop further meaningful performance measures to enable the NDIA to measure its performance against the engagement principles and service standards. The NDIA advised our Office the engagement principles are driving the design of many of the processes the NDIA is introducing, including expanding the NDIA’s approach to performance measurement to include the engagement principles. The NDIA also advised it intends to use additional sources of qualitative feedback, including complaints and participant feedback, as indicators of performance against the engagement principles.

Reporting performance against the engagement principles

3.66 In the first 3 quarterly reports of 2020–21, the NDIA reported its performance against timeframes only and did not report against the engagement principles.

3.67 The fourth quarterly report for 2020–21 was the first time the NDIA reported publicly on how it was performing against the engagement principles. In that report, the NDIA set out each engagement principle and the ‘what you can expect from us’ commitments included in the Charter and reported on the various activities it was taking, or planned to undertake, to meet the commitment. The NDIA specifically referred to the SIP commitments to demonstrate delivery of the engagement principles, consistent with the NDIA’s view that the actions listed in the SIP underpin the Charter. In this report, the NDIA also noted was looking for opportunities to ‘improve [its] participant service in line with the Engagement Principles’.

3.68 This is an improvement on the first quarterly report for 2021–22, where the NDIA reported its progress against SIP commitments without links to the corresponding engagement principle. Instead, the NDIA included a blanket statement that, ‘...these activities are aligned to each of the “what you can expect” statements in the Participant Service Charter.’

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3.69 The Office considers the way the NDIA communicated the connection between SIP commitments and progress against the relevant engagement principles in the fourth quarterly report for 2020–21 was appropriate. This reporting gives the Office confidence the NDIA is progressing important work ensure it can report on qualitative performance against the engagement principles.

3.70 In our view, there is considerable room for improvement before the NDIA can meaningfully report on the engagement principles and service standards under the legislated PSG. A focus on maturing its qualitative performance framework will enable the NDIA to provide assurance it can deliver a timely, and quality, participant experience.

Recommendation 3

We recommend the NDIA develop a PSG qualitative performance measurement and reporting framework, which includes at a minimum, the sources of performance information, how each are used in reporting and details of how often each will be reviewed.

PART 4: COMMUNICATING ABOUT THE PSG

Rollout of the Charter and preparation for the PSG

4.1 In the lead up to the release of the Charter and the SIP, the NDIA set out how it would communicate the high-level requirements of the Charter to internal and external audiences through a SIP Communication and Engagement Plan 2020. The plan was designed to describe the approach for the rollout of the Charter, and ensure NDIA staff, PiTC, participants (including prospective participants) and their representatives were aware of the PSG timeframes, engagement principles, the Charter, and the SIP.

4.2 The plan was published in August 2020 and set out the key stages of communication and engagement including, circulation and promotion of the Charter and SIP, and a commitment to establish regular communication about the NDIA’s performance against the PSG.

4.3 In our view, the plan identifies relevant stakeholders, risks and mitigation options, and sets out reporting and evaluation requirements for the communication activities delivered as part of the plan.

4.4 The NDIA developed a second SIP Communications and Engagement plan to support delivery of an internal promotional campaign from April to May 2021. The second plan was designed to further promote and embed the Charter and engagement principles across the work of all staff and PiTC.

4.5 At the time of our investigation, the NDIA advised it was moving from phase 1 of its communication approach under the Service Charter Project Implementation Plan: ‘launch, introduce, create and drive activities’, to the phase 2: ‘embed in culture’.

Raising awareness of the Charter and PSG internally

Figure 3: NDIA’s Change Approach to the PSG



4.6 We considered how the NDIA planned and delivered communication to its staff about the rollout of the Charter and its requirements. Our aim was to determine whether the NDIA’s approach to communicating with staff about the Charter and the PSG was reasonable, in the context of the rollout and the pending commencement of the legislated PSG.

4.7 We note the NDIA took appropriate steps to ensure its staff and PiTC are aware of the PSG and the Charter. For example, the engagement principles are highlighted at the highest level through CEO emails to staff and PiTC. Each fortnight, a CEO email is sent to staff showcasing an engagement principle. Further, the NDIA published presentations, webinars and an e-learning module on the intranet. The NDIA is also promoting the engagement principles through the Agency Culture Champions and Agency Annual Awards.

Internal training

4.8 Consistent with the CEAP, the NDIA included training on both the engagement principles and the timeframes to support staff to understand PSG requirements. On 30 April 2021, the NDIA released a Charter eLearning module for all NDIA and PiTC staff. The module is designed to help NDIA staff and PiTC better understand the purpose of the Charter and the PSG, how the Charter and the 5 engagement principles apply to the work they do and how the NDIA is held to account to deliver the Charter. The NDIA advised, 9.3 per cent of the NDIA and PiTC staff completed the eLearning module within the first 5 weeks of release. The Office expects this figure will increase by the time this report is published.

4.9 The NDIA is also developing a Charter Toolkit for PED leadership sign-off to be introduced to the frontline team in the first quarter of 2021–22. The Office reviewed this toolkit and notes that it encourages teams to discuss and think about the engagement principles. The toolkit requests PiTC and NDIA staff consider their day-to-day work and document a continuous improvement approach to the engagement principles.

4.10 While this approach has merit, there is currently no clearly defined expectation on PiTC and NDIA staff to change the way they work in response to the engagement principles. Instead, NDIA staff and PiTC are encouraged to develop their own thinking and actions. This may result in inconsistent application of the engagement principles and a missed opportunity to identify better practice approaches.

The NDIA’s evaluation of implementation

4.11 While the requirements for evaluation under the Charter (and SIP Communications and Engagement Plan) include a requirement for the NDIA to produce monthly evaluation reports, we did not receive copies of these. However, the NDIA provided an evaluation report from October 2020, covering the first stage of its promotional campaign about the PSG and Charter. This evaluation report looked at what worked well and identified opportunities for improvement including ‘in 2021, it will be important to embed the Service Charter and the SIP....to ensure that the Service Charter and SIP remain relevant and are seen to be guiding [the NDIA’s] improvement work’.

4.12 As part of the evaluation conducted in October 2020, the NDIA assessed many parts of the launch campaign were successful, including the variety of mediums used for communication and the engagement observed from various teams within the NDIA. The NDIA also identified opportunities for improvement, including actioning feedback from staff who indicated they needed additional guidance to make the connection between the Charter and their own work.

4.13 The NDIA’s second plan incorporated the findings from the evaluation of the first campaign and indicated how lessons learned could be applied to the planning stages for future campaigns. The NDIA identified that regular internal communications – including the ongoing use of CEO emails to promote engagement principles and allowing PiTC to create their own values posters – was successful in supporting staff and PiTC to embrace the engagement principles.

4.14 The second plan noted the value of the all-staff CEO email campaign, and recommended it continue alongside team meeting ‘huddle’ messaging to increase awareness and understanding of the engagement principles amongst staff.

4.15 The Office acknowledges the extensive work the NDIA put into promoting and training staff and PiTC on the Charter. As the NDIA was still in the early stages of embedding the Charter at the time of our investigation, we consider the NDIA should – if it has not

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already done so – finalise its evaluation of the second plan to ensure activities and efforts to embed the Charter are effective in practice.

Internal guidance for decision-makers

4.16 The Office considers the NDIA will need to fully incorporate the PSG timeframes and engagement principles into all relevant staff guidance and documents to appropriately communicate the actions staff must take to meet the commitments contained in the PSG.

4.17 The NDIA has 2 main sources of internal guidance designed to assist staff to make decisions and process their work:

- The NDIA’s Operational Guidelines explain what NDIA decision-makers must consider when making a decision, including applying legislative requirements.³²
- The NDIA’s standard operating procedures provide staff with step-by-step instructions, including guidance on how to process decisions, develop and approve plans, process access requests and record complaints.

4.18 The NDIA advised us it intends to update both sets of guidance to include requirements under the PSG, including updating SOPs to reference the Charter’s engagement principles and ‘what you can expect’ commitments, and the Operational Guidelines to make them ‘simple, clear and easy to use’.³³ At the time of the investigation, all Guidelines were available on the NDIA website.

4.19 We agree improving this guidance is an important step towards improving transparency about the NDIS for participants. The NDIA will also need to consider any variation between the Charter and the legislated PSG, as it updates these internal documents.

External awareness raising

4.20 Given the significance of the PSG for current and prospective participants and their representatives, it is essential the NDIA communicates effectively with interested parties to develop and maintain trust in the services delivered by the NDIA. Effective communication with the public is one way the NDIA can uphold its commitment to accountability and transparency about the services it delivers.

4.21 The NDIA uses a broad range of communication approaches designed to reach multiple audiences to communicate the release and existence of the PSG and the Charter to external audiences. The NDIA Communications and Engagement Plan is supported by an external communications campaign, delivered in 3 phases to inform participants and other stakeholders of PSG commitments. Communications aimed at participants, their families, carers and representatives include content on the NDIA website, posts on its social media accounts and email communication. In addition to a general digital campaign, NDIA also placed newsletter articles in provider and participant newsletters, and targeted communication to participant – including direct emails and SMS messages to over 60,000 participants – based on the participant’s preferred contact method.

4.22 The NDIA advised us that all external communication products will be reviewed and updated to include information on the Charter and PSG in all relevant participant products.

4.23 As with internal communication activities, the NDIA evaluated its external communications to identify opportunities for improvement. As part of the evaluation, NDIA identified learnings and made several recommendations aimed at maximizing audience

³² National Disability Insurance Agency, [Operational Guidelines](#), last updated 13 December 2021.

³³ National Disability Insurance Agency, [Operational Guidelines](#), last updated 13 December 2021.

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engagement and communicating more effectively with Culturally and Linguistically Diverse (CALD) audiences. The NDIA recommended re-writing internet content, working with specified branches to identify the best way to communicate and distribute information about the PSG to CALD audiences and revising social media posts to include specific and tangible participant outcomes.

4.24 As part of the investigation we did not request information on how many of the identified learnings or recommendations the NDIA has actioned from its evaluation of external engagement. If any of these are outstanding, we suggest the NDIA progress its work in this area.

Ease of locating PSG information on NDIA’s website

4.25 We reviewed the sections of the NDIA website with information about the PSG and the Charter, to determine how easy this information is to locate.

4.26 We note that multiple steps are required to locate the Charter page, via the NDIA’s ‘About Us’ and ‘Policies’ pages.³⁴ Searches in the free text box on the website for the phrase ‘Service Charter’ or ‘PSG’ yield results relevant to those searches. The Charter page lists the 5 engagement principles and contains links to a PSG page.³⁵ The PSG page lists the timeframes the NDIA aims to meet, as contained in the Charter. The NDIA lists the number of days for each timeframe under the heading, ‘The most days it will take us’.

4.27 In our assessment the NDIA includes relevant information about the PSG on its website. However, the NDIA can improve the ease of navigation and clarify what PSG timeframes mean for participants in practice.

4.28 To improve ease of navigation, the NDIA could make the Charter and PSG pages easier to locate. For example, the NDIA could provide a link on its home page, under ‘For Participants’, as the information is directly relevant to them and explicitly designed to improve their experience of the NDIA. We consider the way the NDIA describes the timeframes on the PSG page may be misleading to participants, who may reasonably expect the NDIA will not take longer than the number of days listed for each action or decision. It may be of benefit for participants to make clear that the timeframes may be exceeded in some circumstances.

4.29 We also consider the NDIA could improve how clearly it describes the timeframes. The timeframes are currently presented as a list with a brief explanation for when a timeframe might apply. In our view, the current description of the timeframes may be confusing. For example, Timeframe 15 reads: ‘Vary a plan, after receipt of information relating to a complex quote that triggers a plan amendment process’. In the absence of further explanation to assist participants to understand how the timeframes apply to them, this may be confusing for participants.

Performance information on NDIA’s website

4.30 Prior to mid-August 2021, the NDIA did not publish its performance against the PSG timeframes on its website. This information was only contained in its quarterly reports (which is where it will be required to report its performance under the legislated PSG) but begins multiple pages into the report. The reports are available from the NDIA website by downloading a PDF (Portable Document Format) document, but there is no clear path to the reports from the PSG or Charter webpages.

³⁴ National Disability Insurance Agency, [Participant Service Charter](#), page 4.

³⁵ See www.ndis.gov.au/about-us/policies/service-charter/participant-service-guarantee.

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4.31 We acknowledge the work the NDIA undertook in mid-August 2021, to improve the transparency of its PSG performance information by publishing its performance against the PSG timeframes for the 2 most recently completed quarters on its PSG webpage. This is a particularly important step, because the NDIA does not currently have the systems capability to proactively communicate to individual participants where it expects an action or decision will not be completed within the relevant PSG timeframe. The NDIA advised that it is exploring options that will allow this form of information to either be delivered to or obtained by participants. In the meantime, while this is being established, the NDIA is taking a good first step to improve the transparency of its performance information. As the NDIA only recently commenced publishing this information on its website, we are unaware of how often the NDIA plans to update this information or if it has appropriate policies and procedures in place for doing this.

Recommendation 4

We recommend the NDIA develop a policy for publishing PSG timeframe performance information on its website. At a minimum, the policy should set out what information is published and how often the information will be updated.

Communication with cultural and linguistically diverse groups

4.32 It is important that service delivery agencies provide services that are accessible to and inclusive of all members of the community and communicate in culturally appropriate ways. As at March 2021, more than 30,000 participants identify as Aboriginal and/or Torres Strait Islander³⁶ and over 40,000 participants identify as culturally or linguistically diverse.³⁷ We know for some participants in these cultural groups, English may not be their first language. The NDIA made the Charter available in English and 12 other translations. As of March 2021, the Charter was downloaded 216 times in languages other than English.

4.33 The NDIA does not have specific strategies related to the PSG aimed at culturally and linguistically diverse (CALD) groups, but at times undertakes initiatives to encourage new participants from identified communities to access the Scheme, including the use of Community Connectors.

4.34 The NDIA advised it plans to update its *Cultural and Linguistic Diversity Strategy* (2018) and *Aboriginal and Torres Strait Islander Strategy* (2017) to ensure PSG requirements are appropriately incorporated in strategies designed to address the additional challenges these groups may face accessing the NDIS.

4.35 The NDIA is also developing a targeted communications and engagement plan to further promote the Charter, PSG and SIP amongst specific cohorts, including participants from CALD, and Aboriginal and Torres Strait Islander communities.

4.36 As the NDIA moves towards a legislated PSG, we agree with the NDIA assessment that it must mature its approach to communication. In our view, the NDIA must move from promoting the PSG and increasing awareness, to embedding the PSG requirements, by translating those requirements into expectations for service delivery and decisions made by

³⁶ National Disability Insurance Agency, [Aboriginal and Torres Strait Islander Progress Update](#), last updated 11 August 2021.

³⁷ National Disability Insurance Agency, [Cultural and Linguistic Diversity Strategy Progress Update](#), last updated 16 November 2021.

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delegates to produce results. It will be important for the NDIA to ensure the engagement principles are appropriately incorporated into business processes, in addition to the PSG timeframes.

PART 5: NDIA’S APPROACH TO EVALUATING PERFORMANCE

NDIA Quality Assurance Program and Continuous Improvement

5.1 The NDIA’s Performance Management and Quality (PM&Q) Branch is responsible for the NDIA quality assurance function. To deliver this function, the PM&Q Branch operates a monthly cycle of performance reviews, reports, analysis, and improvements. The NDIA uses quality assurance review guides which compare specific characteristics of a plan with NDIA requirements set out in the NDIS Act, NDIS Rules, OGs, and SOPs.

5.2 PM&Q Branch provides monthly quality reports to the NDIA executive about compliance and quality of decision-making for developing and approving plans. These monthly reports measure the agency performance against key metrics and identify the source of issues impacting performance.

5.3 The NDIA provided the Office an example of its quality assurance process in practice, which demonstrates it has in place quality assurance processes which allow the NDIA to identify issues and areas of concern, feeding into the continuous improvement program.

5.4 In approximately February 2021, the NDIA commenced work to consider how it could adapt or amend its existing quality assurance processes to incorporate the engagement principles.

5.5 Initially, the NDIA considered if the specific requirements of the engagement principles could be measured through quality assurance activities. Where the NDIA determined that quality assurance activities could be used to perform this measurement, it then considered how the existing questions in its End-to-End Quality Assurance review guide for participant experience could be used to assess whether staff actions met the requirements of the engagement principles, or if new review questions were needed.

5.6 Further work was done to the review guide to refine the questions used and the updated guide was used in quality reviews conducted during May 2021.

5.7 Incorporating the engagement principles into the NDIA’s quality assurance processes is an important step towards the NDIA gaining assurance the individual actions of its staff meet the specific requirements of the engagement principles. As the NDIA’s work in this area is in its early stages, we can provide some comments on how it may wish to build on the work it is taking to bring the engagement principles into its quality assurance work.

5.8 We viewed the review guide and the questions the NDIA linked to the engagement principles and the service standards. Our observation is that in some instances the link between the question and the service standard is not clear. There are instances in the review guide where the NDIA includes a blanket reference to an engagement principle (without a service standard), but it is not clear why a particular engagement principle is referenced.

5.9 If the PSG is not incorporated into the quality assurance review questions appropriately, it is possible that PSG service standards will be measured inconsistently by the quality assurance process or the NDIA will miss opportunities to gain assurance that it is performing at the standard required by the engagement principles.

5.10 The NDIA stated it plans to implement these changes in line with the launch of the legislated PSG but noted delay to implementation of the PSG will not affect end to end review guide questions being trialled and tested.

5.11 Overall, the NDIA has taken positive first steps towards incorporating the PSG into its existing quality assurance processes, but we encourage the NDIA to review how the engagement principles are incorporated, to ensure it can obtain assurance about how it is performing against each aspect of the engagement principles (including all service standards).

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5.12 For example, we observed that in the End-to-End Quality Assurance review guides provided by the NDIA, each aspect of the legislative criteria for reasonable and necessary decision-making are included in the guide as statements for checking. The NDIA should consider applying this approach to the way it incorporates the engagement principles and service standards into its review guides.

Recommendation 5

We recommend the NDIA review End-to-End Quality Assurance review guides used to measure performance against the engagement principles, so that where possible, all service standards are rephrased as questions.

5.13 Aside from these specific concerns about how the NDIA incorporated the engagement principles into its existing quality assurance work, we remain unsure if and how this quality assurance work will feed into the NDIA’s reporting of its performance against the engagement principles (as discussed in Part 3). It is also unclear how the NDIA plans to assure itself that it is meeting the service standards for the engagement principles, in circumstances where it determines that quality assurance processes cannot be used to gain assurance of the requirements being met.

Pathway to Green

5.14 The NDIA is monitoring its performance against the timeframes in the Charter and has taken action to uplift performance when required. The Pathway to Green (PtG) project was established in October 2020 to identify PED and PSG Key Performance Indicator (KPI) metrics requiring specific performance uplift and action plans to achieve targets prior to 30 June 2021.

5.15 The PtG project categorises each PSG timeframe according to whether a timeframe is being met and should therefore be monitored, is not being met and therefore requires uplift, or system changes are required. PtG meetings are held monthly and plans for performance uplift are workshopped at the National Delivery Strategy Days.

5.16 As part of our investigation, we reviewed documents relating to the PtG project, but did not receive an overarching project plan. It is therefore unclear how long PtG is anticipated to operate. The documents we did review included a brief provided to the PED executive leadership group and presentations from 2 Strategy Days (in February and May 2021). The content of these documents confirms that where the NDIA is not meeting timeframes, it is using cause data to identify possible remedial actions.

5.17 The PtG project demonstrates how the NDIA can review its own work and set out and commit to a plan for continuous improvement. The Office encourages the NDIA to continue to review its own performance and identify and communicate to staff ways to improve its performance on both the PSG timeframes and engagement principles.

APPENDIX A – GLOSSARY

Term	Definition
Cultural and Linguistically Diverse (CALD)	A group of people which may include those who were born overseas, have a parent who was born overseas or speak a variety of languages other than English.
Charter Embedding Action Plan (CEAP)	An internal NDIA document which sets out various operational activities the NDIA is undertaking to implement the PSG.
Early Childhood Early Intervention Partners (ECEI)	Contracted staff appointed by the NDIA to assist families of participants aged 0-6 years who have a developmental delay or disability.
Independent Advisory Council (IAC)	As part of the NDIS Act 2013, the IAC advises the NDIA Board on the most important issues affecting participants, carers, and families.
Key Performance Indicator (KPI)	A quantifiable measure of performance over time for a specific objective.
Local Area Coordinator (LAC)	Contracted staff appointed by the NDIA to assist participants aged 7 and above, including to assist to create, implement and review participant plans.
Ministerial Council	A body of Ministers of the Commonwealth, States and Territories that is designated by the National Federation Reform Council as having responsibilities relating to the National Disability Insurance Scheme.
National Contact Centre	Business area which serves as the first point of contact for participants.
National Disability Insurance Act 2013 (the NDIS Act)	The NDIS Act is the legislation that administers the NDIS.
Operational Guidelines (OGs)	Guidelines published on the NDIA website setting out how staff action work and make decisions, based on the relevant policy and legislative provisions.
Outcome Assurance Framework (OAF)	The way the NDIA monitors performance of its Partners in the Community (PiTC).

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Term	Definition
Participant	Someone who meets the access requirements to become a participant in the NDIS. The access requirements are: age (under 65 years); residency (live in Australia and be an Australian citizen or have paperwork letting you live here permanently); disability: your disability is permanent (will not go away) and significant or you need early intervention (to be treated early that will help by reducing the future needs for support).
Participant Experience Delivery (PED) Branch	Measure and report performance on the quality of practices and interactions with participants.
Participant Satisfaction Survey (PSS)	Survey administered by Australian Healthcare Associates to gauge how participants feel about the NDIS.
Participant Service Charter (the Charter)	A document that describes what participants can expect from the NDIA and was updated to reflect the PSG.
Participant Service Guarantee (PSG)	Timeframes and engagement principles the NDIA must meet during various interactions with participants throughout the access, planning and review stages.
Participant Service Guarantee Draft Rules (Draft Rules)	Rules that administer the PSG and sit below the NDIS Act. These Rules are currently not legislated but are available to view on the DSS website as an Exposure Draft.
Participant Service Guarantee Legislation (PSG Bill)	Primary piece of draft legislation to amend the NDIS Act to help reduce red tape and make the NDIS easier for participants.
Participant Service Improvement Plan (SIP)	List of commitments the NDIA is making to help improve service delivery and participant experience
Partners in the Community (PiTC)	Includes ECEI and LAC partners, contracted by the NDIA to perform access and planning functions.
Pathway to Green (PtG)	A project managed by the Performance Management & Quality Branch, to monitor and improve the NDIA’s performance against the PSG timeframes.
Performance Management and Quality Management Branch (PM&Q)	An internal business area within the NDIA responsible for quality assurance.
PSG engagement principles	Principles the NDIA must abide by when interacting with participants, prospective participants and their representatives. See also ‘Service Standards’.

Commonwealth Ombudsman – Investigation into the National Disability Insurance Agency’s preparation to meet the Participant Service Guarantee

Term	Definition
PSG timeframes	Timeframes the NDIA aims to meet under the PSG to deliver services and support participants efficiently.
Quarterly Reports (QR)	The Quarterly Reports provide the disability ministers with information (including statistics) about participants in each jurisdiction and the funding or provision of supports by the NDIA in each jurisdiction. PSG performance is included in these reports.
Service Standards	Commitments against each engagement principle showing whether the NDIA is on track in meeting its obligations under the engagement principles.
Standard Operating Procedures (SOPs)	Internal guidance for staff, setting out the administrative processes for actioning work and making decisions
Tune Review	Government commissioned review of the <i>NDIS Act</i> to help identify opportunities to make NDIS processes simpler and more straight-forward and remove legislative barriers to positive participant and provider experiences with the NDIS.

APPENDIX B – SUGGESTIONS

SUGGESTION 1

We observed the NDIA’s website and Charter were not updated to reflect the NDIA’s shift from reporting against longer timeframes, to reporting against shorter timeframes in the first quarterly report for 2021–22. We suggest that if the NDIA’s reporting methodology changes in future, the NDIA update relevant documents to reflect these changes.

SUGGESTION 2

At the time of our investigation the NDIA had not yet completed all the actions listed in its Charter Embedding Action Plan. We suggest the NDIA complete the outstanding actions.

SUGGESTION 3

The timeframe for offering a participant a plan implementation meeting is currently ‘as soon as reasonably practical’. We suggest the NDIA consider setting a target timeframe for when it will make this offer to participants.

SUGGESTION 4

The NDIA has commenced work to understand the factors which contribute to it not reaching 100 per cent performance against the timeframes. We consider this work valuable, as even when the NDIA reaches its target timeframe for 95 per cent of participants, there will be a portion of people for whom the timeframe is not met. We suggest the NDIA continue its work in this area to identify themes or trends where a timeframe is not met and opportunities to improve the experience for all participants.

SUGGESTION 5

Noting the NDIA’s commitment to use the Participant Satisfaction Survey to measure its performance against the engagement principles, we suggest the NDIA consider including information about its performance in the Participant Satisfaction Survey in the PSG section of the quarterly reports.

SUGGESTION 6

We suggest the NDIA review the links between the Participant Satisfaction Survey and the engagement principles, particularly once the legislation passes, to ensure the Participant Satisfaction Survey aligns with the legislated PSG.

SUGGESTION 7

As part of the investigation we did not request information on how many of the identified learnings or recommendations the NDIA actioned from its evaluation of external engagement. If any of these are outstanding, we suggest the NDIA progress its work in this area.

APPENDIX C – NDIA’S RESPONSE



GPO Box 700
Canberra
ACT 2601
1800 800 110
ndis.gov.au

Office of the CEO

Ms Penny McKay
A/g Commonwealth Ombudsman
Office of the Commonwealth Ombudsman

Via email: [REDACTED]

Dear Ms McKay

Thank you for your letter dated 29 April 2022 providing your draft report: *The National Disability Insurance Agency’s preparations to meet the Participant Service Guarantee (PSG)*.

I appreciate your observations on the considerable progress already made and commitment of the Agency to meet the PSG. I welcome the opportunity to respond to the recommendations in your report.

The Agency is pleased to accept all five recommendations and will progress work to determine how the Agency can address each recommendation including implementation timeframes and resourcing required. The Agency will work closely with your team as we progress implementation of the recommendations.

Please see document attached for further detail on next steps and anticipated timeframes.

I look forward to our continued engagement with your Office as you undertake the ongoing monitoring and reporting of the implementation of the PSG now legislated under the NDIS Amendment (Participant Service Guarantee and Other Measures) Bill 2021.

Should you wish to discuss any aspect of the draft report or the Agency’s response, please contact Ms Kirralee Thomas, Branch Manager Government Relations

[REDACTED]

Yours sincerely

Martin Hoffman
Chief Executive Officer
National Disability Insurance Agency

1 June 2022



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National Disability
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Appendix A

National Disability Insurance Agency response to recommendations

The National Disability Insurance Agency (NDIA or the Agency) welcomes the Commonwealth Ombudsman’s Report into *the National Disability Insurance Agency’s preparations to meet the Participant Service Guarantee (PSG)*.

The report recognises the NDIA commitment to implement the Participant Service Charter and the PSG as evident in the inclusion of the PSG in strategic and operational planning documents in anticipation of the passing of the PSG legislation. Work to strengthen performance measurement against PSG timeframes has commenced and is an ongoing priority for the Agency.

The Agency accepts all five recommendations noting that recommendation #4 has already been implemented. Detail on progress, next steps and anticipated timeframe are provided below.

Recommendation 1: Overarching Implementation Plan

The Agency accepts the recommendation to develop an overarching implementation plan to manage delivery of the PSG, drawing together existing and planned implementation activities in a single place.

The Agency has committed to developing an overarching implementation plan by October 2022. This newly integrated implementation plan will provide a placemat of all elements of work undertaken or to be undertaken to implement the PSG going forward.

Recommendation 2: Pausing Timeframes

The Agency accepts the recommendation to conduct regular and ongoing analysis of pauses to timeframes under the PSG noting the Rules related to pausing timeframes are yet to be legislated.

The Agency has undertaken pre-emptive steps to monitor and report the ‘stop the clock’ functionality and system design for Access decisions (PSG KPIs 2, 3, and 4). PSG KPI 3 already enables an extension (90 days) for further information following a request from the Agency.

The Agency recognises the need to monitor trends and risks associated with the trigger for PSG timeframe extensions and has been working to analyse the impact of these on meeting all PSG targets.

Recommendation 3: Qualitative Performance Measurement and Reporting Framework

The Agency accepts the recommendation to develop a PSG qualitative performance measurement and reporting framework.

The acknowledgement by the Office of the Commonwealth Ombudsman (OCO) of the work already undertaken by the Agency to ensure extensive quantitative reporting against the PSG is welcome. The Agency recognises the importance of qualitative reporting and is committed to building upon work already undertaken.

Developing a qualitative performance and measurement and reporting framework will require further analysis and investment of resources. The Agency will undertake this analysis and draft a plan for developing the framework by December 2022. The plan will clarify the scope of the framework in line with operating parameters available within the Agency.



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Appendix A

National Disability Insurance Agency response to recommendations

Recommendation 4: PSG Timeframe Performance on Website

The Agency accepts and has completed action to implement the recommendation, publishing PSG timeframe performance information on the NDIA website. This is done through the established process of disseminating the Quarterly Report as required under the legislation. Once provided to the Ministerial Council, the Quarterly Report is published on the NDIA website.

Recommendation 5: End-to-End Quality Review Guides

The Agency accepts the recommendation to review End-to-End Quality Review Guides used to measure performance against the engagement principles including where possible, all service standards are rephrased as questions.

The Agency is encouraged by the OCO findings that positive steps have been taken towards incorporating the PSG into existing quality assurance processes. Further analysis is required to identify work required to fully address this recommendation.

The Agency also notes ongoing review and improvements to quality assurance and continuous improvement are also key components of a qualitative performance framework to be developed as per recommendation #3.



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Our investigation into the National Disability Insurance Agency (NDIA)

How ready is the NDIA to meet the Participant
Service Guarantee?

What we learnt from our investigation

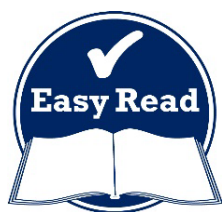
An Easy Read report



How to use this report



The Office of the Commonwealth Ombudsman wrote this report. When you see the word 'we', it means the Office of the Commonwealth Ombudsman.



We wrote this report in an easy to read way.
We use pictures to explain some ideas.

Bold
Not bold

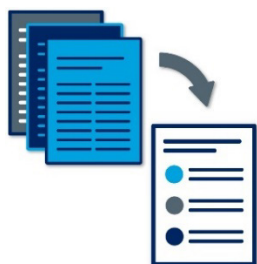
We wrote some important words in **bold**.

This means the letters are thicker and darker.



We explain what these bold words mean.

There is a list of these words on page 18.



This Easy Read report is a summary of another document.
This means it only includes the most important ideas.

You can find the other document on our website.



www.ombudsman.gov.au/__data/assets/pdf_file/0026/114992/Investigation-into-the-National-Disability-Insurance-Agencys-preparation-to-meet-the-Participant-Service-Guarantee.pdf



You can ask for help to read this report.

A friend, family member or support person may be able to help you.

What's in this report?

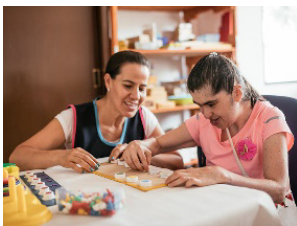
What is this report about?	5
Following the PSG	8
What did we learn from our investigation?	10
1. How the NDIA plans for the PSG	13
2. How the NDIA explains how well it's going	14
3. How the NDIA communicates	16
4. How the NDIA delivers good services to participants	17
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What is this report about?



The **National Disability Insurance Scheme (NDIS)** is a way of supporting people with disability around Australia.

The NDIS helps people with disability:



- get the supports and services they need



- work towards their goals.



The **National Disability Insurance Agency (NDIA)** runs the NDIS.



The NDIA must follow the **Participant Service Guarantee (PSG)**.



Participants are people with disability who take part in the NDIS.



And a guarantee is like a promise.



The PSG is a new set of rules the NDIA must follow.

It has 2 parts.

Part 1 explains how long the NDIA can take to:



- make decisions



- do things to help participants.



Part 2 explains how the NDIA must treat participants.



The PSG helps participants know how long the NDIA will take to make decisions that affect:

- them
- people who support them.

Following the PSG



The Australian Government made the PSG a law on 1 April 2022.

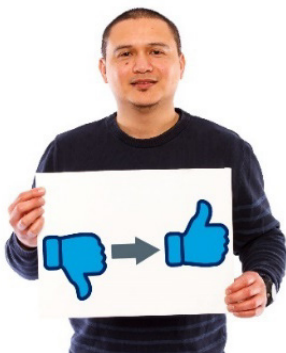


This means the laws the NDIA follows have changed.

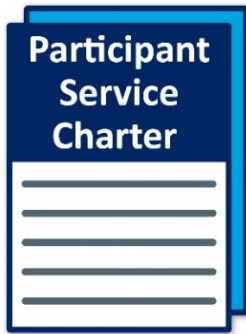


It also means we must write reports about the:

- NDIA
- PSG.



The NDIA has shown they want to make things better for participants.



For example, the NDIA included both parts of the PSG in their **Participant Service Charter**.



The Participant Service Charter is a document that explains what participants can expect from the NDIA.



You can find an Easy Read version of the Participant Service Charter on the NDIA website.

www.ndis.gov.au/media/2621/download?attachment

What did we learn from our investigation?



We wanted to know what the NDIA did to get ready before the PSG became part of the law.



We checked if the NDIA is ready to follow the new PSG law.



Our report focuses on 4 different areas.



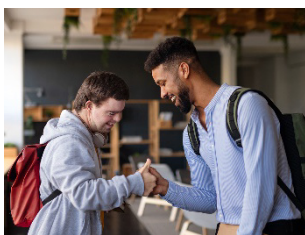
1. How the NDIA plans for the PSG



2. How the NDIA explains how well it's going



3. How the NDIA communicates



4. How the NDIA delivers good services to participants



Each area explains what we learned from our investigation.



Each area also explains what we **recommend**.

When we recommend something, we share an idea that will make things better.



These ideas will help the NDIA make their services better.

1. How the NDIA plans for the PSG

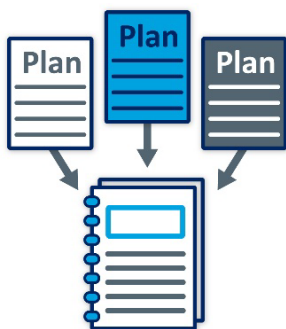


We learnt that the NDIA wants to deliver the PSG.

They will do this by including the PSG in information they share.



But the NDIA doesn't have one document that explains how they will set up the PSG.



We recommend the NDIA combines all their plans into one document.



This means the NDIA can check:

- what they need to do
- how these plans connect with each other.



This will help the NDIA know when they're not doing things on time.

2. How the NDIA explains how well it's going



The PSG explains how long the NDIA can take to make 20 types of:

- actions – things they must do
- decisions.



We learnt that the NDIA has goals for how long these actions and decisions should take.



We also learnt the NDIA didn't share if they reached all 20 goals.



But they will write reports about these goals by the middle of 2022.



This will help everyone know how well the NDIA is going.

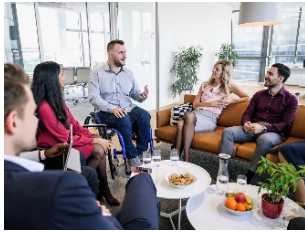


We learnt that the NDIA can do more to keep track of how well they treat participants.



We recommend the NDIA make a plan for how to share how well they are doing.

3. How the NDIA communicates



We learnt the NDIA can do a better job of explaining the PSG to:

- their staff
- the community.



And we think the NDIA can do a better job explaining how well they are going.



For example, they can make sure information about how well they are going is up to date.



We recommend the NDIA make a **policy** for their website about:

- sharing how well they are going
- when they share that information.



A policy is a plan for how an organisation should do things.

Policies are where rules come from.

4. How the NDIA delivers good services to participants



We learnt the NDIA has ways of checking if they are following:

- laws
- policies.



This can help the NDIA make their services better.



We also learnt the NDIA are checking if they treat participants well.



We recommend the NDIA check the work they have done so far to make sure they're treating participants well.

Word list

This list explains what the **bold** words in this document mean.



Guarantee

A guarantee is like a promise.



National Disability Insurance Agency (NDIA)

The NDIA runs the NDIS.



National Disability Insurance Scheme (NDIS)

The NDIS is a way of supporting people with disability around Australia.



Participant Service Charter

The Participant Service Charter is a document that explains what participants can expect from the NDIA.



Participant Service Guarantee (PSG)

The PSG is a new set of rules the NDIA must follow.



Participants

Participants are people with disability who take part in the NDIS.



Policy

A policy is a plan for how an organisation should do things.

Policies are where rules come from.



Recommend

When we recommend something, we share an idea that will make things better.

Contact us



You can call us.

1300 362 072



You can send us an email.

ombudsman@ombudsman.gov.au



You can write to us.

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Canberra

ACT 2601



You can visit our website.

www.ombudsman.gov.au



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