



## **Seven Key Questions asked by NDIS participants about Housing and Home Support**

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**May 2022**

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## Seven Key Questions asked by NDIS participants about Housing and Home Support

This discussion paper explores the issues faced by people with disability in South Australia when navigating the complex systems of housing and home support. It considers a range of solutions designed to make it easier for people with disability to exercise their right to safe and secure housing.

There have been many papers written about housing and support needs for people with disability and many committees looking into aspects of the problem. This is also a theme that has cropped up again and again as the Disability Advocate has consulted widely on housing and home support issues under the National Disability Insurance Scheme (NDIS).

### 1. How do I find a suitable place to live?

For a person with a disability looking for a suitable place to live the first hurdle is housing availability. How does a person find out what options they have? The National Disability Insurance Scheme (NDIS) makes a virtue of participants sitting in a marketplace making choices between their options, but what happens if the market is thin and there are few or no housing options available? What happens when the person finds it difficult to make choices? This is particularly pressing for people who are medically stable but are in hospital, transitional accommodation, or motels, only because there is no accommodation alternative for them. Waiting times for social housing are long and the private rental market is experiencing the lowest vacancy rate in decades.

Under the current system, there is no one source of information about specialist housing providers. The Housing Hub was developed as an information exchange for supply and demand for disability accommodation. However, it appears to be not well known to service providers. Housing providers are listing accommodation on the Housing Hub, but it is not known if all housing providers are using this platform and it is not clear that support coordinators are making use of this information.

The *Single Housing Register*, an initiative of the South Australian Housing Authority (SAHA), is a welcome development. However, in an environment where the supply of SAHA properties is now 36,000 (from a peak of 62,000 a generation ago) and there are 16,000 people registered for a SAHA property, there is an acute need for more low-cost housing for people with disabilities. The community housing sector is stepping up (e.g. Anglicare spending \$100M over 10 years on affordable housing), but current commitments fall well short of the level of demand.

The separation of powers means that the States and Territories are responsible for “housing”. The States have run down their supply of social housing and do not have the resources to reverse the situation. Rental support programs and mortgage support programs designed to assist low-income people into the housing market (whether State or Commonwealth initiated) tend to support landlords’ rents and

house prices rather than affecting the supply of low-cost housing for people on pensions. This also does little to increase the supply of social housing. Compared to other OECD countries, Australia has only 4% of dwellings as social housing (with capped rents linked to pension levels) compared to 37% in the Netherlands, say.

There are currently a number of Supported Residential Facilities (SRFs) operating within South Australia that offer another accommodation option for people with disability. The regulatory environment in which SFRs operate has become increasingly complex overtime, made worse with the introduction of the NDIS. Complexity around duplication and inconsistencies with regards to regulatory requirements for SRF proprietors is placing this sector under pressure.

The vast majority of NDIS participants seeking housing and support will not qualify for Specialist Disability Accommodation (see Key Question 2, below) and will have to rely on State-sponsored mechanisms to assist them with their housing needs.

- 1. It is recommended that the SAHA Single Housing Register be supported as a key initiative to assist people into social or low-cost housing.*
- 2. It is recommended that a State Supported Accommodation Register be developed (including staff to provide guidance), listing rental properties with suitable adaptation and amenities to accommodate people with disabilities.*
- 3. It is recommended that the State Government commit to fund new and replacement social housing to address the current demand.*
- 4. It is recommended that the State government lobby the Commonwealth Government to fund new and replacement social housing to address the current demand.*

If SAHA does not see itself as leading these initiatives the community housing sector (through the Community Housing Council) should be encouraged to take a lead role in addressing:

- affordable social housing supply
- documenting demand
- information on supported accommodation, and
- placement of people needing supported accommodation

## **2. Am I eligible for Specialist Disability Accommodation (SDA) and how does that work?**

The only way that Commonwealth government funding will be available to assist a participant with housing is (a) if the participant is able to include Specialist Disability Accommodation (SDA) in their NDIS plan (which requires that the participant has high physical support needs), and (b) the participant can locate housing which meets SDA standards.

Attachment 1: 'Housing pathway for NDIS participants' is a flow chart, which the Public Advocate presented as part of her statement to the DRC. This flow chart

demonstrates the lengthy indicative timelines for NDIS processes required to secure funding in a participant's plan for SDA funding and subsequent housing.

The Commonwealth is very nervous of any further involvement in housing, which it sees as a State responsibility. Currently, the uptake of SDA is much lower than was anticipated. It was expected that, nationally, the spend on SDA would be \$700M p.a. Currently the spend is only \$231M p.a. and the number of participants with SDA in their plans is just over half that which was anticipated (only 60% of the anticipated 6% of adult NDIS participants). Clearly the SDA program is heavily under-utilised, to the detriment of many NDIS participants.

5. *It is recommended that the State assists every NDIS participant with high physical support needs or with high levels of challenging behaviours to seek to have SDA in their plan.*
6. *It is recommended that (once established) the State Supported Accommodation Register list all SDA accommodation and assist participants with SDA in their plans to access a suitable place to live.*

### **3. What do I have to do to get the support I need for independent community living in my NDIS plan?**

There is a conundrum at the heart of the NDIS in that a participant (person with a disability) or their nominee must conceptualise the participant's needs in a way that aligns with the funding options on offer from the NDIA, including housing and home support, and create a plan which includes all the services they will need.

It presupposes that people fully understand their needs and how these needs translate into an appropriate NDIS package. Whilst many can, not all people with a disability and their families or carers are able to engage with the complex bureaucracy that is the NDIS and advocate for their needs.

Failure to adopt an overarching case management approach to structuring the steps involved in accessing the NDIS has led to a complex array of actors involved in the process, none of whom have overall responsibility for ensuring an integrated and streamlined experience for the participant. Help with finding housing and home supports can come from a support coordinator (who is only present in a participant's life after the plan has been approved by the NDIS planner). Responsibility for assisting a participant to "get started" falls on Local Area Coordinators (LACs).

There are examples where the NDIA has responded to identified gaps or challenges in navigating the interface between the NDIS and other service systems. Health Liaison Officers and Justice Liaison Officers were established to support more streamlined and timely coordination of support in these critical areas. It is clear that the NDIA needs to establish mechanisms to assist NDIS participants to access appropriate housing and home support i.e. housing liaison officers. Ideally though, the NDIS would be structured around a case management framework whereby a participant is allocated a single contact person who assists them in all aspects of

their journey if required from access and planning, through to identifying their support providers.

There are also on-line tools such as *SDA Finder* and the *Housing Hub*, but many participants and their families need more personalised assistance. It is not also known if these platforms are being used consistently and are actually capturing all the information that they should.

The State needs to create a Supported Accommodation Register (see Recommendation 2) to assist adults looking for housing and home support (usually SIL), ensuring that the participants make appropriate use of the services of their LAC in starting their NDIS planning process.

- 7. It is recommended that the State lobby the NDIA to establish Housing Liaison Officers, modelled on the successful establishment of Health Liaison Officers and Justice Liaison Officers.*

#### **4. How do I find the best agency to provide the support I need in my home?**

In the absence of case management, the role in the NDIS charged with assisting an individual to access services (both home support and housing) is support coordination. This is problematic. A participant must get support coordination in their plan and have an idea in advance of how much support coordination they will need and for how long.

If that isn't enough, the NDIA does not prohibit home support providers and housing providers also offering support coordination. This creates issues around conflict of interest. The participant is clearly not getting impartial, independent advice from a support coordinator attached to a provider of services that the participant needs to access. Also support coordinators are employees of non-government organisations and they do not usually have an overview of the housing market. *Support coordinators, in their role of assisting participants to access services, need to have access to information on vacancies and matching of participant needs through a new Supported Accommodation Register (see Recommendation 2).*

Information on home support agencies needs to be more readily available and a regular housing and home support expo would assist participants and their families to understand what the market has to offer.

- 8. It is recommended that the State in conjunction with the Community Housing sector and National Disability Services regularly host a Housing and Home Support expo.*
- 9. It is recommended that the State lobby the NDIA to make support coordinators independent of any services that they assist a participant to access.*

## **5. Do I have the same tenancy rights in my new housing as everyone else?**

For participants who are sole tenants of a rented property, they have the same rights as other tenants under the *Residential Tenancies Act 1995*.

When a participant is in a group home, or the home support agency is the head tenant, then the participant is not protected by the *Residential Tenancies Act 1995*. Similarly, the protection offered to a resident in a Supported Residential Facility (SRF) or under a boarding house agreement does not give security of tenancy.

Also, there is no protection for these tenants regarding rents charged unlike the rent policy of SAHA and the community housing sector of charging no more than 25% of the pension (plus Commonwealth Rent Assistance, CRA).

While people with disabilities in private rental may enjoy tenancy rights, they may struggle to maintain the tenancy if their NDIS plan does not have sufficient support funding. Also tenants with challenging behaviours that lead to property damage are often left responsible for repairs since neither the landlord nor the support provider will accept this responsibility.

*10. It is recommended that the State review the Residential Tenancies Act 1995, so that (a) tenancy protection is afforded to residents in sub-let arrangements with a service provider, in an SRF or in a boarding house, and (b) rents are set at an affordable level (maximum 25% of pension plus CRA).*

## **6. What happens if my landlord and my home support provider come from the same agency and the agency insists that I use their support services in their house?**

This is a common situation especially with non-government organisations that have built group homes or clusters and want to be the service provider for any person with a disability living there. This creates a conflict of interest for the agency concerned and means that the participant does not have choice over their support provider so long as they live in those premises. If their relationship with the provider disintegrates, they can be evicted from the accommodation and potentially be left homeless.

Similarly, the *Supported Residential Facilities Act 1992* requires that the SRF proprietor must also be the service provider.

The NDIS Quality and Safeguards Commission, as regulator of the sector, requires that registered service providers providing both housing and home support declare a conflict of interest. However, the Commission does not prohibit the practice.



11. *It is recommended that the State amend the Residential Tenancies Act 1995 to require separate agreements for the tenant with the housing property owner and with the home support provider. The former should be subject to the Residential Tenancies Act 1995.*
12. *It is recommended that the State lobby the NDIA and the NDIS Quality and Safeguards Commission to prohibit a housing provider demanding use of a particular home support provider (usually the housing provider) so that the tenant is free to choose their home support provider.*

## 7. Who do I go to if I need help in the NDIA?

The NDIA is flawed by the lack of a case management framework to structuring the processes involved in accessing and navigating the system. There are any number of roles that exist within the NDIS (local area coordinator, support coordinator, psychosocial recovery coach etc. etc.). However, the NDIS participant can never get a straight answer to the question “who do I go to if I can’t work the system and I am in strife?”

The NDIA operates like a clock where a person cannot tell the time unless they know how the springs, cogs and wheels of the inner mechanism work. Participants want to gain access to the services they need, without having to master the roles of the myriad players in the system. The local area coordinator, the planner and the support coordinator make perfect sense to the NDIA and to the expert agencies making a living out of running seminars to demystify the obscurities of the NDIS. The beleaguered participant just wants to know where and who to go to get help no matter what the problem (i.e. in the analogy “tell the time”).

13. *It is recommended that the State lobby the NDIA to simplify their processes and for the NDIA to offer case management for people who need it, in order to maximise their benefits from the NDIS.*
14. *It is recommended that the State lobby the NDIA to be clear who a participant goes to when they are lost in the system - a person with a name and a contactable phone number and a permanency and able to develop a relationship with the participant in strife.*

The process of finding and keeping a place to live and to be properly supported by a good support agency is fraught for the individual. There are a host of traps, and the path is seldom easy.

While the State is loathe to get embroiled in plugging the gaps left by the bureaucratic NDIS, this is one of the areas where the State has a key role i.e. provision of appropriate housing for NDIS participants. It is in the State’s interests to (a) ensure that everything is done for the participant to ensure they have all they need in their NDIS plan, (b) that a participant can access affordable housing (thus avoiding pressures on other state systems e.g. health, homelessness), and (c) that a



participant does not have their tenancy rights abrogated and fall into the hands of service providers with conflicts of interests.

## 8. Recommendations

Below is a summary of the recommendations.

**Recommendation 1:** That the SAHA Single Housing Register be supported as a key initiative to assist people into social or low-cost housing.

**Recommendation 2:** That a State Supported Accommodation Register be developed (including staff to provide guidance), listing rental properties with suitable adaptation and amenities to accommodate people with disabilities.

**Recommendation 3:** That the State Government commit to fund new and replacement social housing to address the current demand.

**Recommendation 4:** That the State Government lobby the Commonwealth Government to fund new and replacement social housing to address the current demand.

**Recommendation 5:** That the State assists every NDIS participant with high physical support needs or with high levels of challenging behaviours to seek to have SDA in their plan.

**Recommendation 6:** That (once established) the State Supported Accommodation Register list all SDA accommodation and assist participants with SDA in their plans to access a suitable place to live.

**Recommendation 7:** That the State lobby the NDIA to establish Housing Liaison Officers, modelled on the successful establishment of Health Liaison Officers and Justice Liaison Officers.

**Recommendation 8:** That the State in conjunction with the Community Housing sector and National Disability Services regularly host a Housing and Home Support expo.

**Recommendation 9:** That the State lobby the NDIA to make support coordinators independent of any services that they assist a participant to access.

**Recommendation 10:** That the State review the *Residential Tenancies Act 1995*, so that (a) tenancy protection is afforded to residents in sub-let arrangements with a service provider, in an SRF or in a boarding house, and (b) rents are set at an affordable level (maximum 25% of pension plus CRA).

**Recommendation 11:** That the State amend the *Residential Tenancies Act 1995* to require separate agreements for the tenant with the housing property owner and with the home support provider. The former should be subject to the *Residential Tenancies Act 1995*.

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**Recommendation 12:** That the State lobby the NDIA and the NDIS Quality and Safeguards Commission to prohibit a housing provider demanding use of a particular home support provider (usually the housing provider) so that the tenant is free to choose their home support provider.

**Recommendation 13:** That the State lobby the NDIA to simplify their processes and for the NDIA to offer case management for people who need it, in order to maximise their benefits from the NDIS.

**Recommendation 14:** That the State lobby the NDIA to be clear who a participant goes to when they are lost in the system - a person with a name and a contactable phone number and a permanency and able to develop a relationship with the participant in strife.

## 9. Attachment 1: Housing pathway for NDIS Participants

<p>The client needs housing (They may want to move out of home or are homeless or in crisis)</p>	<p><b>TIME FRAMES</b> (NDIS Participant Service Guarantee)</p>										
<p>If the client is not already an NDIS participant, they will need to join. To become a participant involves:</p> <ul style="list-style-type: none"> <li>• Gathering evidence (28 days)</li> <li>• Assessments</li> <li>• NDIS Access Request</li> <li>• Meet NDIS Eligibility criteria</li> </ul> <p>Access confirmed</p>	<p>90 days for participant to provide evidence.</p> <p>21 days for access decision 28 days to explain a decision 14 days to make a decision about who can use the NDIS after receiving more information.</p>										
<p>For existing participants, a Change of Circumstances is submitted if required.</p>	<p>21 days minor, 50 days larger changes</p>										
<p>NDIS Planning meeting held. Participant needs to request that the following be included in plan:</p> <ul style="list-style-type: none"> <li>• A goal related to Home and Living Supports in your plan</li> <li>• An allocation for allied health assessments</li> <li>• Specialist Support Coordination (SSC)</li> </ul>	<p>21 days to start making plan Making meeting time – ASAP 28 days to have meeting 7 days to give you a copy of the plan</p>										
<p>Plan needs to be approved by the NDIA.</p>	<p>70 days to approve a plan</p>										
<p>The Request for Home and Living Supports Form needs to be completed by the individual or person on their behalf and submitted to the NDIA.</p>	<p>Dependent on individual guardian/nominee</p>										
<p>Once the NDIA has reviewed the request and if further information required the NDIA will advise what is needed. This may include further assessments.</p>	<p>This is a new process so timeframes not clear. This may also be depending on whether the participant engages with therapists for assessments if they are required.</p>										
<p>If approved, the NDIA may provide funding for:</p> <table border="0"> <tr> <td>Assisted Daily Living</td> <td>Capacity Building</td> </tr> <tr> <td>Individualised Living Option</td> <td>Home Modifications</td> </tr> <tr> <td>Short Term Accommodation</td> <td>Specialist Disability Accommodation</td> </tr> <tr> <td>Medium Term Accommodation</td> <td>Assistive Technology</td> </tr> <tr> <td>Supported Independent Living</td> <td></td> </tr> </table>	Assisted Daily Living	Capacity Building	Individualised Living Option	Home Modifications	Short Term Accommodation	Specialist Disability Accommodation	Medium Term Accommodation	Assistive Technology	Supported Independent Living		<p>Variable</p>
Assisted Daily Living	Capacity Building										
Individualised Living Option	Home Modifications										
Short Term Accommodation	Specialist Disability Accommodation										
Medium Term Accommodation	Assistive Technology										
Supported Independent Living											
<p>Support Coordinator or Specialist Support Coordinator utilise the plan and connect them with services. Note: The SSC needs to have appropriate skills and experience in the following: culturally appropriate/ have capacity/ Mental Health and adequately trained.</p>	<p>21 days depending on complexity and agreement on funding.</p> <p>There are often discrepancies about what is in the EHO, what the NDIS will fund and what the Service Provider will accept for the safety of participants and staff. This can delay transition.</p>										
<p>Housing</p> <ul style="list-style-type: none"> <li>• Community Housing</li> </ul> <p>The participant needs to register and be eligible for Community Housing</p> <ul style="list-style-type: none"> <li>• Public Housing</li> <li>• Private rental</li> <li>• SDA</li> </ul> <p>If SDA approved in plan and property is not an SDA property</p> <ul style="list-style-type: none"> <li>• SDA providers need to be registered with the NDIS Quality and Safeguards Commission</li> <li>• Property needs to be enrolled with the Commission.</li> </ul>	<p>If SIL quote needs to be submitted and approved by the NDIA</p> <ul style="list-style-type: none"> <li>• Participant profile</li> <li>• property profile</li> <li>• Participant outcomes</li> <li>• Roster of support (inclusive of all house participants)</li> </ul>										
<p>Housing modifications to be undertaken if required.</p>	<p>Variable</p>										
<p>The participant commences transition to the new home</p>	<p>Variable</p>										
<p><b>Please note time frames are an estimation only and vary from client to client</b></p>											