

Ms Carol Bennett
carol.bennett@painaustralia.org.au

Dear Ms Bennett

Thank you for your email of 5 March 2020 to the Hon. Stuart Robert MP, Minister for the National Disability Insurance Scheme (NDIS), regarding the NDIS not recognising Chronic Pain. The Minister has asked me to reply to you on his behalf.

The National Disability Insurance Agency (NDIA) appreciates you sharing the experiences of people with chronic pain who have applied for the NDIS. We also thank you for providing us with the opportunity to review Pain Australia's supplementary submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with a Disability along with the related survey respondent comments.

The NDIA notes the following concerns outlined in the Supplementary Submission, namely that people with chronic pain:

- are not eligible for the NDIS
- feel the nature of chronic pain, and its permanency, is misunderstood
- need to have costly, and time consuming, medical reports to apply for the NDIS
- find the process of applying for the NDIS onerous, confusing and overwhelming
- are confused about which system to approach for support

For a person with chronic pain to be assessed as meeting the disability access requirements to the NDIS, the National Disability Insurance Agency (NDIA) delegate needs to be satisfied that the evidence provided helps the potential participant to meet the following criteria:

- has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments or to one or more impairments attributable to a psychiatric condition
- that the impairment or impairments are, or are likely to be permanent
- that the impairment results in substantially reduced functional capacity to undertake or psychosocial functioning in undertaking, one or more of the following activities: communication, social interaction, learning, mobility, self-care, self-management
- the impairment or impairments affect the person's capacity for social and economic participation
- the person is likely to require support under the NDIS for their lifetime

Where a person with chronic pain applies for the NDIS, the NDIA will seek to understand the impairment/s that arise from their chronic health condition, how this impacts their ability to carry out everyday tasks and whether these impacts are likely to be lifelong. People who become NDIS participants are usually unable to participate in or complete most tasks in one or more of the following domains: communication, social interaction, learning, mobility, self-care or self-management. A person is unlikely to meet these requirements if they simply take longer to complete a task, must make a bigger effort, or complete it in a different way.

A person with chronic pain may be considered to have a permanent impairment, for NDIS access purposes, if they provide evidence to demonstrate that all available treatment options, medical or otherwise, have been exhausted and that none have, or would remedy the impairment. In this regard, it is important to note that an impairment that is episodic, or varies in the severity of its impact on a person's functional capacity, can still be considered permanent.

The NDIA does not ask people applying for the NDIS to pay for specialist assessments. Typically, people are encouraged to provide copies of existing letters, reports or assessments, or to provide the NDIA with consent to contact their treating health professional, for supporting evidence. However, in the near future the NDIA will provide people applying for the NDIS with access to free functional capacity assessments conducted by an independent assessor where a permanent impairment has been established.

NDIA Partners in the Community are also available for all people with a disability to find information, connect to the broader systems of support, understand the NDIS and if required, apply for the NDIS and gather supporting evidence. For more details about how the NDIA's Early Childhood Partners or Local Area Coordinators can support people with information, linkages and capacity building, can be found at:

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

The NDIA welcomes feedback as this guides its continuous improvement efforts. The NDIA has reviewed the feedback you have provided for this purpose and are in the process of actively following up on individual cases where further evidence may support individuals to become NDIS participants. For a more detailed analysis and response to the submission please refer to Attachment A.

The NDIS will continue to work in partnership with people with a disability, their families and carers, service providers and other relevant stakeholder to develop a shared understanding of our collective roles and responsibilities.

Thank you again for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tori Stevens', with a stylized flourish at the end.

Tori Stevens
Branch Manager
National Access

6 April 2020