



SDA Information Seminar

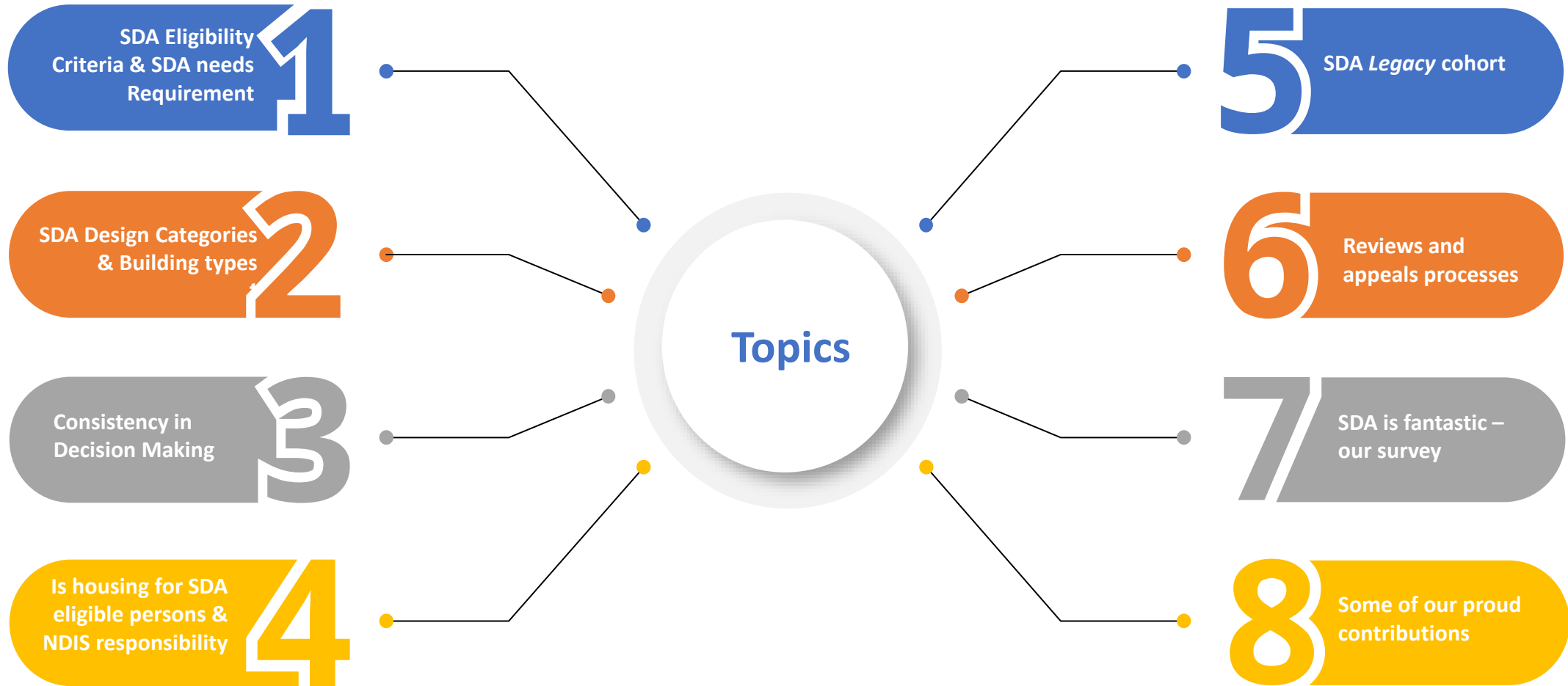
Presented by:
Greg Barry, Founder & Principal Consultant



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Topics for Today's Discussion



What have we contributed?

2017

- How we started
- Our Team

Complicated

- Why our services exist

>1900

- Number of engagements
- History over 8+years



What are the Eligibility Criteria? – What are their Common Words

Extreme Functional Impairment

- For Extreme Functional Impairment *very high* needs to be associated specifically with one or more of the activities of mobility, self-care or self-management.

Very High Support Needs

- For Very High Support Needs *very high* is associated with an across the range aggregation of person-to-person support needs. (therefore, not as challenging)

Support Needs Requirements

- 6 hours - History for that - not settled law – but has been very helpful.

Extreme Functional Impairment – Relevant Activities



Mobility

Wheelchair

Use at home and;
In the Community

Objective

Not Subjective



Self-Care

Self-Care: activities related to personal care, hygiene, grooming and feeding oneself, including showering, bathing, dressing, eating, toileting, grooming, caring for own health care needs.

Impairments

- Eating and drinking
- Showering/bathing
- Dressing
- Grooming
- Continence & toileting
- Wound Care
- Sleep



Self- Management

Self-management: the cognitive capacity to organise one's life, to plan and make decisions, and to take responsibility for oneself, including completing daily tasks, making decisions, problem solving and managing finances. SDA Services understands this to include the cognitive and physical capacity to undertake instrumental activities of daily living, such as domestic activities of cooking and cleaning.



Impairments:

- Cognition
- Communication
- Behaviour
- Sensory Processing



Functional Impacts:

- Decision Making, Health & Financial Management
- Domestic Assistance
- Social Interaction / Community Engagement
- Work / Study / Leisure
- Community Access / Transport

Very High Support needs

The participant has a **very high need** for person-to-person supports, either immediately available or constant, for a significant part of the day.

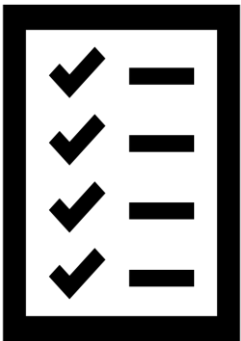
- Limitations in the availability, capacity or capability of the participant's informal support network or risks to its sustainability
- The participant is at risk of poses a risk to others, and that risk could be mitigated by the provision of SDA
- Anecdotal experiences

Needs Requirement

14 When a participant meets the SDA needs requirement

(1) A participant meets the **SDA needs requirement** if, when compared to other supports alone, combined specialist disability accommodation and other supports would:

Subject Matters for the Comparison



1. Better assist pursuit of goals
2. Effective and beneficial
3. Stability and continuity of supports
4. Value for money



SDA Needs requirement

Comparison

1. Where a participant might reside in an SDA dwelling and receive other supports there, and,
2. Where a participant might reside in a non-SDA (“mainstream”) dwelling and receive other supports there.

What are the Comparable Mainstream Housing Scenarios

- Privately (usually family or self) owned dwelling.
- Public and Social Housing.
- Private rentals.
- SIL Homes
- Legacy Stock

Validity

Can the comparisons be validly made if they don't exist and are unlikely to exist?

No!

As a matter of logic, a comparison can't be sensibly made if that alternate option doesn't or won't exist. This also aligns with the AAT decision in Re Mazy where the member held:

If the Agency claims that there are alternative supports which are preferable to those sought by the Applicant, it is incumbent on the Agency to assist the Tribunal by providing evidence to support its argument.

Value for Money

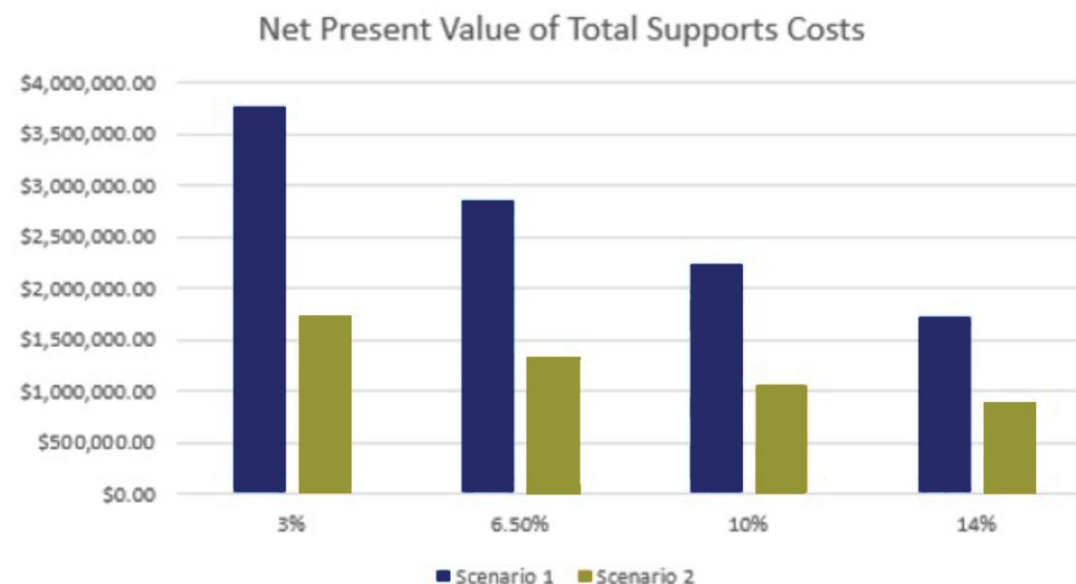
- Same outcome
- Substantially lower cost

Our Value for Money 20-year modelling

NPV Supports Costs				
Discount Rate	3%	6.50%	10%	14%
Non-SDA	-\$3,764,362.86	-\$2,864,062.57	-\$2,226,795.15	-\$1,713,317.16
Apartment, 2 bed, 1 res	-\$1,714,421.36	-\$1,321,797.62	-\$1,065,684.23	-\$871,208.81
SDA Cost Saving	\$2,049,941.50	\$1,542,264.94	\$1,161,110.92	\$842,108.35

Discount Rate Justification			
3%	6.50%	10%	14%
Risk-free rate	Social discount rate	Example expected return on investment for providers	Example expected return on investment for providers

Note on RBA Rate: This rate was suggested in 2018 Applied Economics paper, *Choosing the Social Discount Rate for Australia*. It uses opportunity cost of capital. The Reserve Bank of Australia have approved of this rate.



Effective and Beneficial Design and Non-Design Features

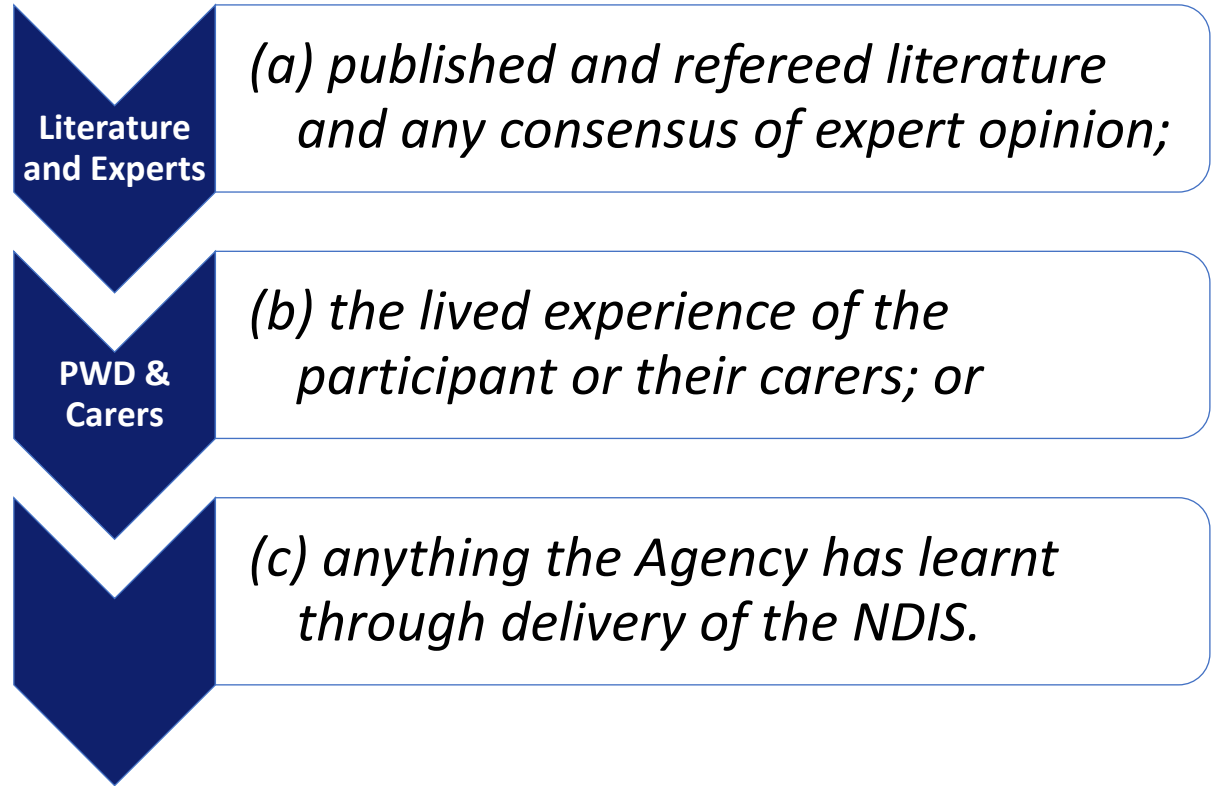
Design features are **highly** relevant **but** so are non-design features, e.g.:

- **All** Providers of SDA Supports **must be** NDIS registered providers.
- SDA supports have been designed to **ensure** that SDA is affordable for SDA eligible participants.
- SDA supports can bring a **level of security** of tenure.
(Amongst numerous others)



Who can provide evidence for Effective and Beneficial?

Anyone can provide relevant information to assist the decision maker. The comparison can be assisted by:



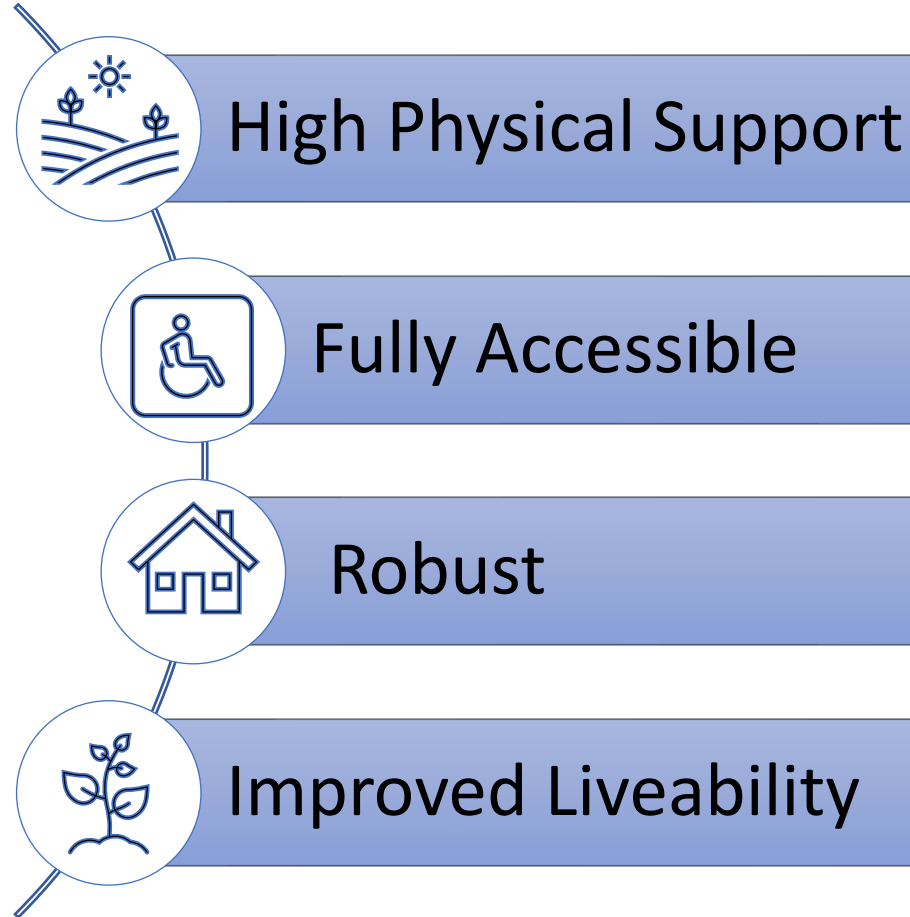
Design Categories, Building Types & Location

S 12 of the SDA Rules states that ***If** a participant is assessed as eligible to receive support for specialist disability accommodation, the CEO **must** determine the SDA building type, SDA design category and location of the specialist disability accommodation that is **reasonable** and **necessary** to support the participant.*

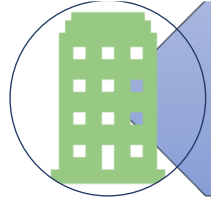
Location issue tends not to be controversial.

Design Categories

Specific Needs



Building Types



Apartment



Villa/Duplex/Townhouse



House



Group Home

Anthony Kennedy Case – The Prominence of Preference and Choice

16 SDA building type

For the purposes of determining under subsection 15(1) the SDA building type that is appropriate to support an eligible participant, the CEO must have regard to the following matters:

(a) the eligible participant's preference, if the preference can be established and it aligns with the eligible participant's statement of goals and aspirations;

The applicant's preference in this matter should be emphasised. It was as noted earlier by Justice Mortimer in *McGarrigle* a core aspect of the participant plan and the supports which are approved and intended by the scheme to support pursuit of those goals, objectives and aspirations. It is encompassed in the general principles contained in section 17A of the Act.

It is also of course the very first matter that the decision-maker is obliged to take into account when determining the SDA building type under section 16 of the SDA Rules.

This approach is fortified by the very first object of the Act which is to give effect to Australia's obligations under the Convention.

So far as the language of the Act permits it should be interpreted and applied in a manner consistent with the terms of the Convention.

Article 19 of the Convention casts an obligation on signatories to ensure that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.

Is housing for SDA eligible persons an NDIS responsibility, including for person who are homeless, at risk of homelessness or under 18 years of age?

34 Reasonable and necessary supports

(f) the support is most appropriately funded or provided through the National Disability Insurance Scheme, and is not more appropriately funded or provided through other general systems of service delivery or support services offered by a person, agency or body, or systems of service delivery.

The case of HTDD found:

On the basis that HTDD's disability needs cannot be met by the provision of accommodation through the DCHD, responsibility falls to the Agency for the provision of accommodation which is suitable to HTDD's disability needs.

[HTDD and National Disability Insurance Agency \[2024\] AATA 725 \(12 April 2024\) \(austlii.edu.au\)](#)

SDA for persons under 18 years of age

DATE LODGED APPLICATION	OUTCOME BUILDING TYPE	OUTCOME DESIGN CATEGORY	AGE	PRIMARY DIAGNOSIS
16/12/2019	House, 2 Residents	Robust	17	Intellectual Impairment
16/12/2019	House, 2 Residents	Robust	17	Intellectual Impairment
30/04/2020	Villa/Duplex/Townhouse, 2 Residents	Improved Livability	17	Intellectual Impairment
25/08/2020	Apartment, 2 bedroom, 2 Residents	High Physical Support	17	Cerebral Palsy
6/11/2020	Villa/Duplex/Townhouse, 1 Resident	Robust	17	Autism, Level 3
8/02/2021	Villa/Duplex/Townhouse, 1 Resident	Robust	17	Autism, Level 3
21/03/2021	House, 2 Residents	Robust	17	Intellectual Impairment
19/05/2021	House, 3 Residents	High Physical Support	17	Epilepsy
7/01/2022	House, 2 Residents	Fully Accesible	17	Hereditary Spastic Paraparesis
7/04/2022	Villa/Duplex/Townhouse, 1 Resident	Robust	17	Autism, Level 3
18/07/2022	Villa/Duplex/Townhosue, 1 resident	High Physical Support	14	Limb Girdle Muscular Dystrophy (LGMD)
11/09/2023	Villa/Duplex/Townhouse, 1 Resident	High Physical Support	13	Cerebral Palsy
19/06/2024	Villa/Duplex/Townhouse, 1 Resident	Robust	16	Intellectual Impairment
15/10/2024	Group Home, 4 Residents	High Physical Support	13	Progressive Pseudo Rheumatoid Dysplasia
15/10/2024	Group Home, 4 Residents	High Physical Support	13	Progressive Pseudo Rheumatoid Dysplasia

Consistency in Decision Making

We Provide Tables of Preference and Choice

Mention should be made of Mr Barry's evidence on this topic. He attached a number of tables to his statement. Those tables, amongst other things, compared the applicant's SDA support needs with other NDIS participants who were granted SDA funding for the design category "High Physical Support" and the building type which included two bedrooms.

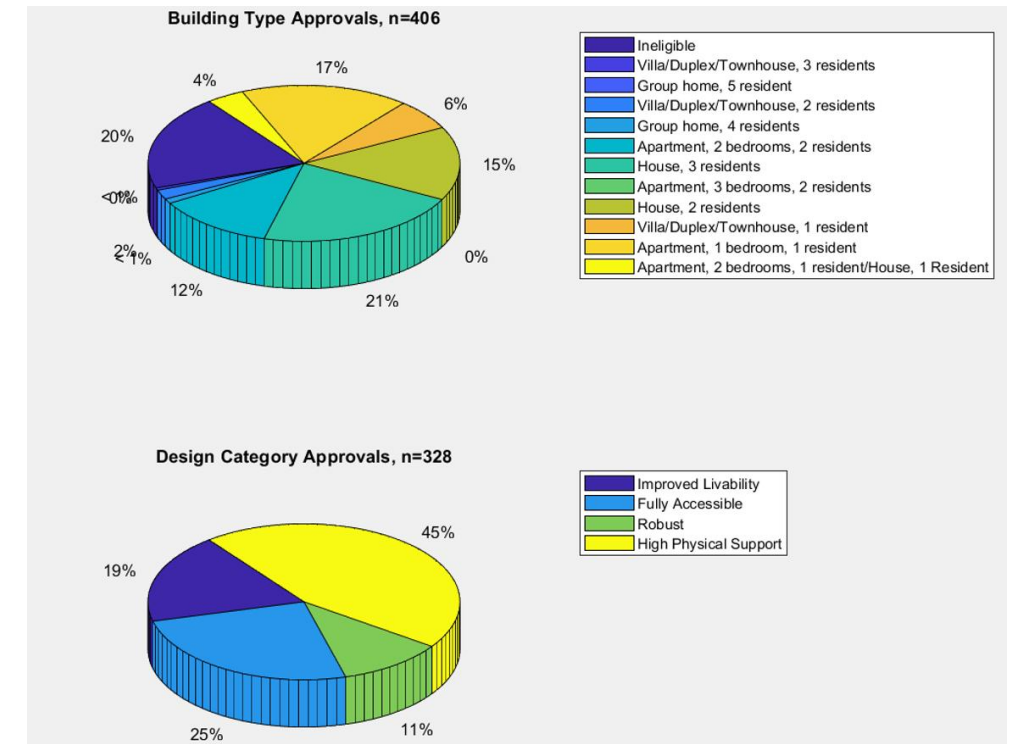
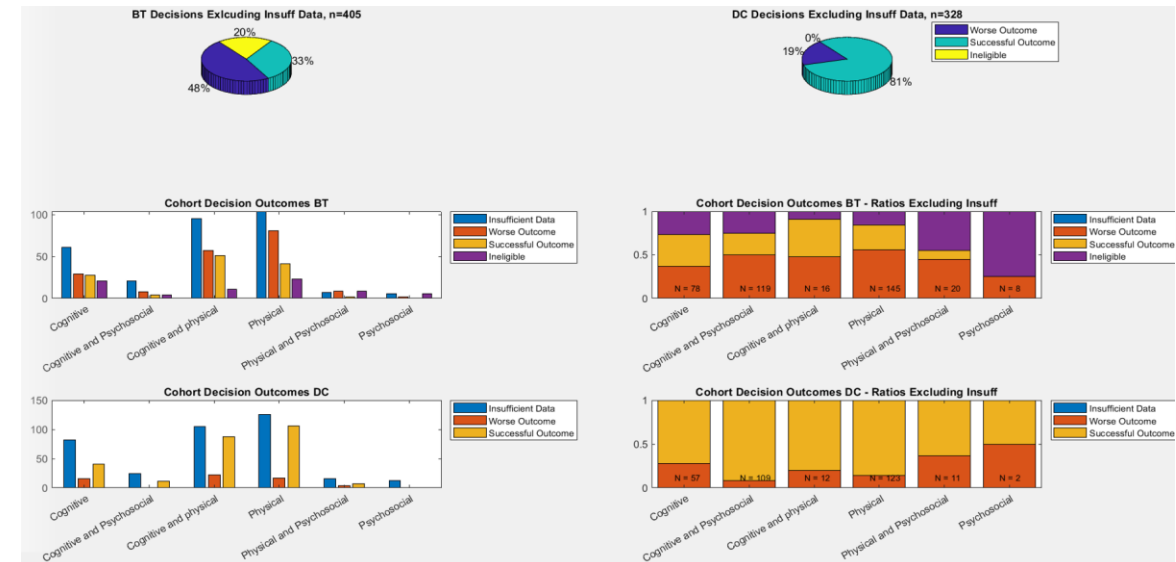
Those tables showed, amongst other things, that the NDIA accepted SDA funding for a second bedroom for a number of reasons for several participants, including storage of mobility equipment (including manual and powered wheelchairs), commode, the provision of a home office, accommodation for overnight carers and friends when visiting and as a study for volunteer and like work. Critically, those tables also show that it was accepted for SDA funding to enable one participant's two sons to stay when he was caring for them.

The Tribunal also accepts the contention of the applicant that in its Operational Guideline on Reasonable and Necessary Supports ("Operational Guideline") the NDIA has acknowledged the need to make consistent decisions and to treat applicants and participants fairly. Participants with similar circumstances and disability needs should receive similar amounts of supports in their plans. No evidence has been adduced disputing the contents of Tables 2, 3 and 4 attached to Mr Barry's statement. Nor was he questioned on their contents in cross-examination.

Decisions Register

Example of “Comparison with previous SDA decisions” table

Factor	Participants Name	Participant J202150	Participant J00523	Participant J202294
SDA Outcome	Outcome sought:	Outcome provided:	Outcome provided:	Outcome provided:
	2 SDA-eligible residents, 0 non-SDA-eligible residents	2 SDA-eligible residents, 0 non-SDA-eligible residents	2 SDA-eligible residents, 0 non-SDA-eligible residents	2 SDA-eligible residents, 0 non-SDA-eligible residents
	House	House	House	House
	Fully Accessible with OOA	High Physical Support with OOA	High Physical Support with OOA	High Physical Support with OOA
Diagnosis	Spastic Quadriplegia Cerebral Palsy	Cerebral Palsy	Hereditary Spastic Paraparesis	Spinal Cord Injury
Recommended hours of support per day	19 Hours per Day	24 Hours per Day	24 Hours per Day	11 Hours per day
OT assessment tool results	CANS: Level 5	CANS: Level 7	CANS: Level 7	CANS: Level 4



SDA Legacy cohort – what were those arrangements intended to be originally?

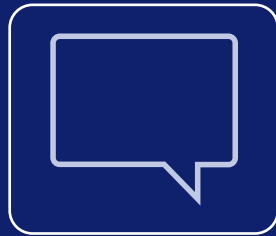


1. Do those participants need to establish / evidence their SDA eligibility afresh as well as assist the decision makers with information which would inform building type design category and location decisions elements,

or,

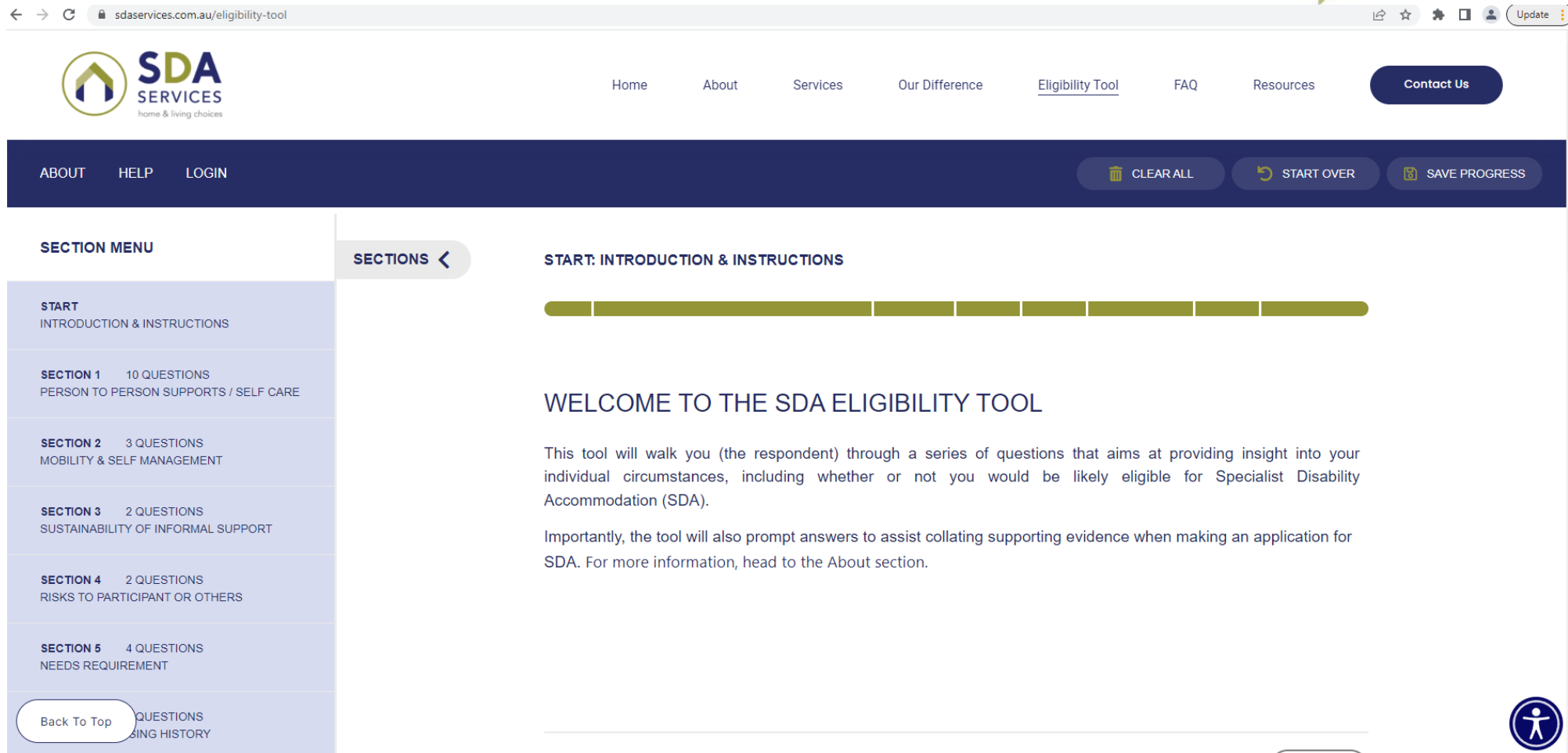


2 . Do those participants do not need to establish / evidence their SDA eligibility and need only to assist the decision makers with that other information.



The NDIS recognised a large number of participants, who at the time they became a participant in the NDIS, were already residing in a (defined) disability related supported accommodation setting, and this accommodation was provided funded by the relevant state or territory authority for this purpose. This group are identified as (2) in your response. All other participants who currently reside in SDA who have not had an individual determination as to their eligibility for SDA funding, need to complete a H&L Application.

<https://www.sdaservices.com.au/eligibility-tool>



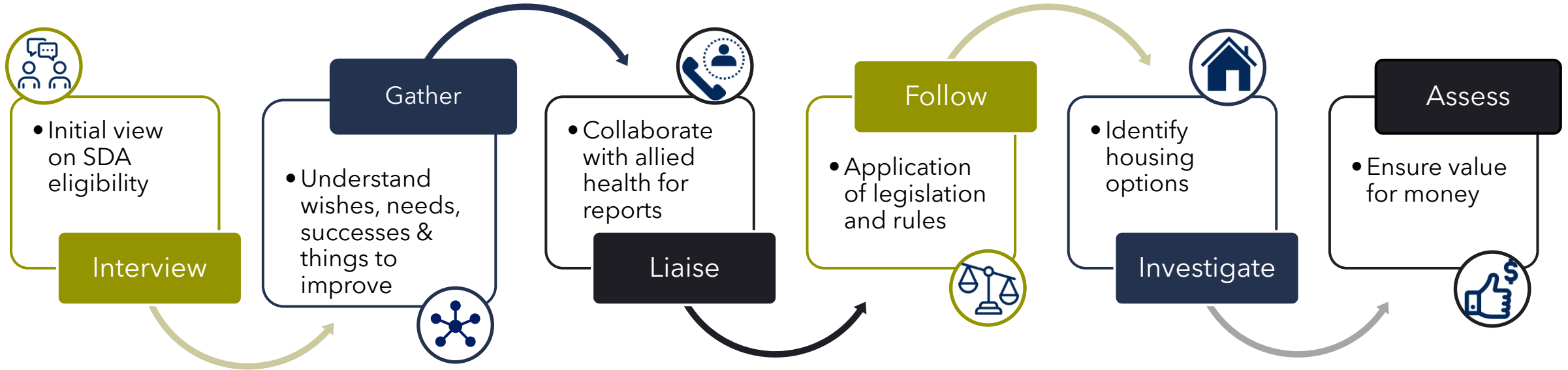
The screenshot shows the SDA Eligibility Tool web application. The browser address bar displays the URL <https://www.sdaservices.com.au/eligibility-tool>. The page features a dark blue header with the SDA Services logo and navigation links: Home, About, Services, Our Difference, Eligibility Tool (active), FAQ, Resources, and a Contact Us button. Below the header is a dark blue bar with ABOUT, HELP, and LOGIN links, along with buttons for CLEAR ALL, START OVER, and SAVE PROGRESS. The main content area is divided into a left sidebar and a main panel. The sidebar contains a SECTION MENU with the following items: START (INTRODUCTION & INSTRUCTIONS), SECTION 1 (10 QUESTIONS PERSON TO PERSON SUPPORTS / SELF CARE), SECTION 2 (3 QUESTIONS MOBILITY & SELF MANAGEMENT), SECTION 3 (2 QUESTIONS SUSTAINABILITY OF INFORMAL SUPPORT), SECTION 4 (2 QUESTIONS RISKS TO PARTICIPANT OR OTHERS), and SECTION 5 (4 QUESTIONS NEEDS REQUIREMENT). A 'Back To Top' button is located at the bottom of the sidebar. The main panel displays the 'START: INTRODUCTION & INSTRUCTIONS' section, which includes a progress bar with 10 segments, the title 'WELCOME TO THE SDA ELIGIBILITY TOOL', and two paragraphs of introductory text. The first paragraph states: 'This tool will walk you (the respondent) through a series of questions that aims at providing insight into your individual circumstances, including whether or not you would be likely eligible for Specialist Disability Accommodation (SDA).' The second paragraph states: 'Importantly, the tool will also prompt answers to assist collating supporting evidence when making an application for SDA. For more information, head to the About section.'



The detailed application process



We analyse, investigate and report on all of the issues which are prescribed by the SDA Rules



Our final report includes participant eligibility, expected benefits to the participant, a consideration of what design categories, preferred and appropriate building types and living arrangements and locations of housing which are preferred and suitable, and analysis of value for money from the perspective of the NDIS. We also provide deidentified tables of past decisions.

Some of our proud contributions

- a) Over 1900 engagements creates a data set which assists decision making through multiple lenses
- b) Value for Money *VFM* financial modelling and evolving data set
- c) Effective & Beneficial *E&B* assessment tool is under development
- d) SDA Lived experience survey outcomes
- e) Research in Australia and beyond around housing outcomes for people with disability and also Governments assisting *VFM* and *E&B*
- f) SDA eligibility tool

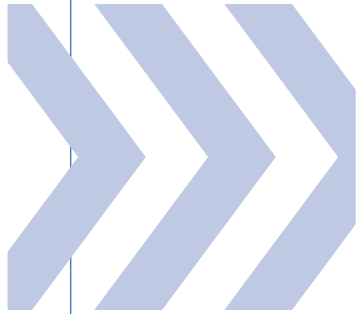
The elements of our engagement and how our work is funded?

Initial Engagement: Explain the process, initial participant information populated, files created, bookings, quoting and drafting service agreement.
Define Housing Needs: Gather in and read material/reports
Participant Interview: Conduct 1-2 hour interview with participant and supports and transcribe this information which forms a part of the basis for the application.
Occupational Therapy Support: Either facilitate a referral to an SDA experienced OT or work with current OT to assist in producing an SDA focused OT report, internal review of OT report to forensically consider it has the correct SDA focus, provide guidance and support to external OT's.
Value for Money Desktop Research: Review OT report and PI findings to assess if Value for Money modelling will positively support the submission.
Compile Detailed Application: Combine elements of Participant Interview, OT report, other relevant allied health reports and Value to Money findings to respond to NDIA SDA rules, Act and legislation.
Review previous like decisions: Access data to research previous outcomes via an internal decisions register to support consistency with NDIA decision making and include deidentified details of past relevant positive outcomes and insertion of details of those decisions into SDA report.
Thorough Application Internal Review Process: Assess, edit and review reports by internal peer reviewer for reasons including to ensure elements are in line with current SDA legislation, Act and Rules. Final review and approval process via our Senior Consultant with over 4 years of SDA application experience.
Home and Living Support Form: Compile current NDIA Home and Living Support form to ensure it is consistent with application and not exposed to any 'traps'.
Application Lodgement and follow up: Lodge SDA application and Request for Home and Living Support form, 4 weekly follow up with NDIA via email and phone until outcome received, Submission of Freedom of Information if outcome not sought after 3 months.
Total Indicative and Maximum Cost \$4,506.30 Or 45 hours of Support Coordination (Level 2)



I am not
happy with
my SDA
outcome,
what now?

Reviews and Appeals Processes



S 100 and ART

70% of clients that engage our services are found eligible and receive their preferred outcome at first instance. Then of the clients that review their outcome, 70% are successful via our internal review process. And finally, the **really good** news story is that in the ART stage, 100% of clients we have supported have received their desired outcome.

S 268 of the ART Act – Statement of Reasons Request

S 268 entitles persons affected by an NDIA decision to request the decision-maker to give a statement of reasons for the decision.

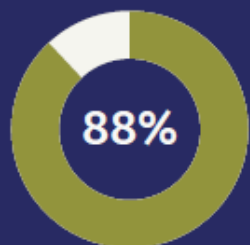
The Statement of Reasons must include

- (a) the findings on material questions of fact;*
- (b) the evidence or other material on which the findings are based;*
- (c) the reasons for the decision.*

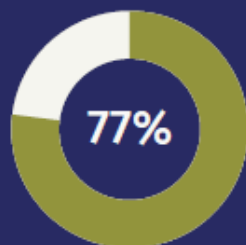
Within 28 days after receiving the request, the decision-maker must give the person a statement of reasons for the decision

SDA is fantastic - Our Participant Survey Results 2023

115 participants assisted us by answering our survey which compares multiple aspects of their experiences and circumstances before and after moving into SDA



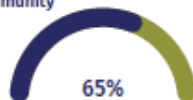
88% reported overall that they were either satisfied or very satisfied compared to life before SDA.



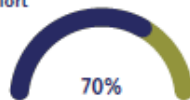
77% of participants reported that their quality of life got better after moving into an SDA dwelling.

Percentage of participants surveyed reported better or much better results in the following areas:

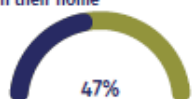
Visiting the community



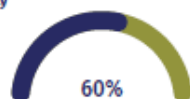
Comfort



Hosting guests in their home



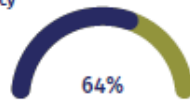
Safety



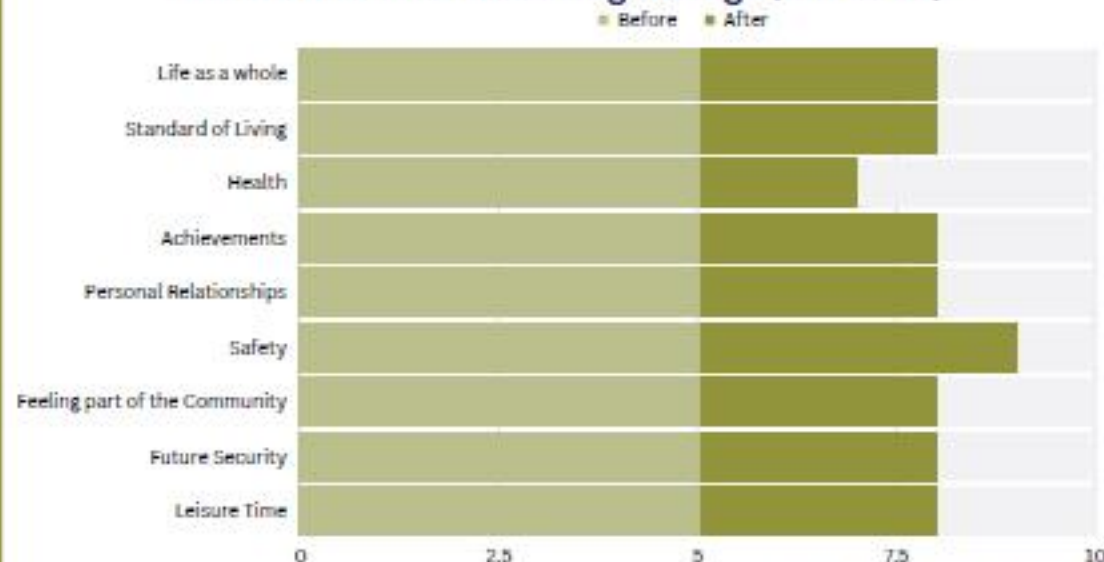
Isolation and loneliness



Privacy



Before and after wellbeing Ratings (out of 10)



Contributors' SDA residencies averaged 1.57 years.

43% reported an increase in Formal Supports after moving into SDA dwelling, 15% reported a decrease and 42% indicated either no change or did not respond for that issue.

The most common reasons provided for increases in Formal Supports within SDA were to the effect that the amenity of SDA dwellings better enabled formal supports.





Contact us if...

- You would like to discuss SDA eligibility, **even if** you are unsure
- You support someone who would benefit from our service
- You and/or your team regularly face challenges in longer term housing outcomes for people with a disability

*There is no obligation in conversation...
but it could change someone's life*



Thank you!

How to contact us:



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home & living choices

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