

28 February 2024

Emily Lacey

By email: foi+request-10774-c7a22db2@righttoknow.org.au

Dear Emily Lacey

Freedom of Information request — Internal Review Decision

Thank you for your correspondence of 7 February 2024, in which you requested an internal review of the **Original Decision** in relation to your request FOI 23/24-0468, made by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act).

The purpose of this letter is to provide you with a decision on your request for internal review.

Original Decision

On 19 October 2023, you requested access to the following documents:

*“1. Practice Guide - Pre-Planning
2. Standard Operating Procedure - Pre-Planning
3. Standard Operating Procedure - Complete the guided planning questions
4. Standard Operating Procedure - Complete the participant statement
5. Outcomes Questionnaire
6. Standard Operating Procedure - Complete the update the outcomes questionnaire task
7. Capacity Building, Employment, and Education Short Forms Outcomes Frameworks (SFOF)
8. Family Questionnaire”*

On 7 February 2024, you were notified of the NDIA’s decision in relation to your request for information. That decision granted you access to 6 documents in full.

Grounds for review

On 7 February 2024, you lodged a request for Internal Review on the following grounds:

“I am writing to request an internal review of National Disability Insurance Agency’s handling of my FOI request ‘Pre-planning practice guides & standard operating procedures, planning questionnaire, outcomes short form frameworks & questionnaires.’.

******* INTERNAL REVIEW ITEM 1:**

Regarding my request for “5. Outcomes Questionnaire”, for which you responded “Our searches could not identify a document by this name. I am therefore Refusing Access to this document under section 24A of the FOI Act.” —

I appreciate that there may not be an existing (or ready-made) internal document solely titled “Outcomes Questionnaire”. You have provided further explanation of your

decision stating “These enquiries have revealed that the NDIA is unable to identify any documents titled Standard Operating Procedure – Pre-Planning or Outcomes Questionnaire.”

My request, comprising of an 8 item list, did not request “documents titled” and it more broadly asked for just “documents”. See the wording of my original request:

“I am requesting access under the Freedom of Information Act 1982 (FOI Act), to the following documents. Please provide documents currently in use and in their most recent version.”

The QAIC website answers the relevant question, “What is considered a document under the Freedom of Information Act 1982?”

“A ‘document’ is defined in s 4(1) to include any or any part of the following:

- * any paper or other material on which there is writing
- * a map, plan, drawing or photograph
- * any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them
- * any article or material from which sounds, images or writing are capable of being reproduced with or without the aid of any other article or device
- * any article on which information has been stored or recorded, either mechanically or electronically
- * any other record of information
- * any copy, including any part of any copy, of a reproduction or duplicate of a thing listed above”

...

It is obvious there are questions which make up what the NDIA refer to as the Outcomes Questionnaire, which is what I was asking for when I requested the “Outcomes Questionnaire” in FOI 23/24-0468. Your response does not provide that information or “document” as defined by the FOI Act. As such I request you amend your decision to provide the "four Outcomes Questionnaires"**, including the questions they contain and any "selectable" response** to those questions (**see below for further clarification).

FOR CLARIFICATION, THE INFORMATION I HAVE GATHERED FROM DOCUMENT 6 “Standard Operating Procedure – Complete the Update the Outcomes Questionnaire task” TO INFORM MY REQUEST FOR REVIEW OF “5. Outcomes Questionnaires”:

“3.2 Update the Outcomes Questionnaire

There are four Outcomes Questionnaires for the participant that are based on the participant’s age:

- * young children (before starting school)

** children who have commenced school up to age 14*

** young people aged 15-24*

** adults aged 25 and over*

You do not need to select the correct questionnaire, the System will generate this for you.

1. In Pre-planning – Staff Tasks, select the Update the Outcomes Questionnaire task.

2. The Create – Short Form Outcomes Questionnaire form opens. To expand or collapse a section select the expander arrow. “

It then contains an image of a collapsed table titled “create-Short Form Outcomes Questionnaire 25 and over”, with 7 sections titled “Introduction”, “Participant information”, “Domain 1: Choice and Control”, “Domain 2: Daily Living Activities”, “Domain 3: Relationships”, “Domain 4: Home”, and “Domain 5: Health and Wellbeing”

Under point 4 of the “3.2 Update the Outcomes Questionnaire” section it reads: “Select (or type) the response to each question in order. Try to answer as many questions with the participant as you can. You can leave any questions that don’t suit the participant blank.”

****** INTERNAL REVIEW ITEM 2:*

Regarding my request for “8. Family Questionnaire”, for which you responded “This has been provided as Document 6”, and have provided a document titled “Standard Operating Procedure – Complete the Update the Outcomes Questionnaire task” in your decision —

Document 6 does not contain the questions used in the “Family Questionnaire” or the selectable response/s used in completing it. Additionally, this information cannot be found in any of the other 5 documents shared in your decision.

For the same reasoning as I have provided in internal review item 1, I believe you have misinterpreted my request for the “Family Questionnaire” and as such I request you amend your decision to provide the full Family Questionnaire, including the questions it contains and any selectable response to those questions.

****** INTERNAL REVIEW ITEM 3:*

Regarding my request for “7. Capacity Building, Employment, and Education Short Forms Outcomes Frameworks (SFOF)”, for which you responded “This has been provided as Document 5”, and have provided a document titled “Standard Operating Procedure – Complete the Short Form Outcomes Framework (SFOF) / SPG Knowledge Article Template” in your decision —

Document 5 does not contain the actual SFOFs. Additionally, this information cannot be found in any of the other 5 documents shared in your decision.

Document 5 does provide me with this information on page 1 of 5... “Understand the SFOF: As an Agency, we are committed to listening to participants, their families and carers. One way we do this is through the Short Form Outcomes Framework (SFOF)

questionnaire. This allows you discuss different areas of the participant's life including daily living, social and community participation and relationships."

This suggests the "SFOF" contains questions. On page 2 of 5, under the heading "Create a new SFOF" it says, "6. Select the Type from the dropdown options." This would suggest there is more than one kind of SFOF. I assume this includes "Capacity Building, Employment, and Education" which I mentioned in my initial request.

For the same reasoning as I have provided in internal review item 1 and 2, I believe you have misinterpreted my request for "7. [...] Short Forms Outcomes Frameworks (SFOF)" and as such I request you amend your decision to provide the full SFOF Questionnaire, including the questions it contains and any selectable response to those questions."

Decision on your request for Internal Review

I am authorised to make decisions under section 23(1) of the FOI Act, as well as internal review decisions under section 54C of that Act. As an internal review officer, I am not bound in any way by the Original Decision and am required to make a fresh decision.

I have reviewed the Original Decision and I have decided to **affirm** the previous decision.

However, I have identified 2 publicly available links falling within your scope by consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

The relevant line areas have advised that the relevant documents are publicly available and can be accessed via the following links:

- [NDIS national outcomes dashboard summary to 30 June 2022 \(XLS 121KB\)](#)
- [Supplement E National 2023-24 Q2 \(XLSB 3.8MB\)](#) Table E.31 to Table E.72

In making my decision, I have considered the following:

- your correspondence in relation to your original request
- the Original Decision dated 7 February 2024
- your grounds for seeking an internal review of Original Decision
- the NDIA's operating environment and functions
- the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- the NDIA's operating environment and functions.

Rights of Review

I have set out your rights to seek a review of my decision at **Attachment A**.

If you would like to clarify any aspects of my decision, please do not hesitate to contact me via email as foi@ndis.gov.au.

Yours sincerely,



Cooper

Senior Freedom of Information Officer
Complaints Management and FOI Branch
General Counsel Division

Your rights of review

Review by the Office of the Australian Information Commissioner

The FOI Act also gives you the right to apply to the Office of the Australian Information Commissioner (OAIC) to seek a review of this decision.

If you wish to have the decision reviewed by the OAIC, you may apply for the review, in writing, or by using the online merits review form available on the OAIC's website at www.oaic.gov.au, within 60 days of receipt of this letter.

Applications for review can be lodged with the OAIC in the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney NSW 2001
Email: enquiries@oaic.gov.au
Phone: 1300 363 992 (local call charge)

Complaints to the Office of the Australian Information Commissioner or the Commonwealth Ombudsman

You may complain to either the Commonwealth Ombudsman or the OAIC about actions taken by the NDIA in relation to your request. The Ombudsman will consult with the OAIC before investigating a complaint about the handling of an FOI request.

Your complaint to the OAIC can be directed to the contact details identified above. Your complaint to the Ombudsman can be directed to:

Phone: 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your complaint should be in writing and should set out the grounds on which it is considered that the actions taken in relation to the request should be investigated