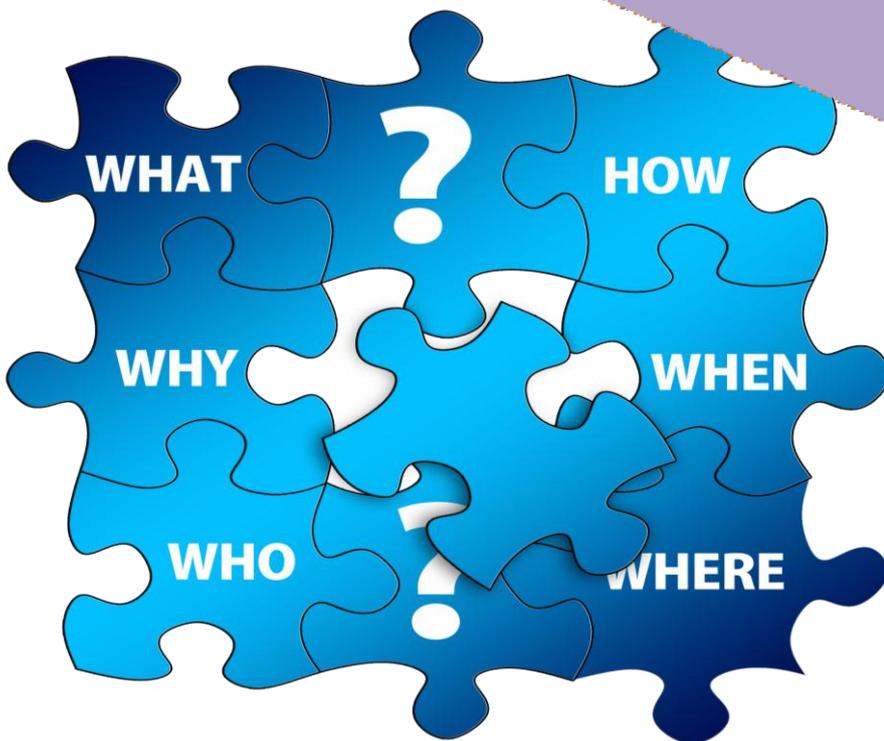


Families as Planning Partners Course

A course for supporting families/carers
of people with disability with
transition to the NDIS.



NDIS resource information

Additional handout

NDIS version Sept. 2016

Written by Christine Scott, VALID Inc.
Person-Centred Planning activities are based on
planning tools from 'The Learning Community' (www.elpnet.net).
Please seek permission prior to using this information in any other
formats or presentations. Ph. 03 9416 4003 or email christine@valid.org.au

NDIS INFORMATION

PLEASE NOTE;

This information on the NDIS was sourced during a time of change during the launch of the scheme (**August 2016**).

Therefore if you are using this information at a later date, it would be wise to **search for newer versions** of the information on the NDIS website. www.ndis.gov.au

- 9.1 Launch site info - access & planning process**
- 9.2 Understanding 'terms' - what the words mean**
- 9.3 Legislation - principles on planning
- general principles**
- 9.4 Feedback, Complaints & Reviews**
- 9.5 Operational Guidelines**
- 9.6 NDIS - Frequently Asked Questions (FAQ's)**

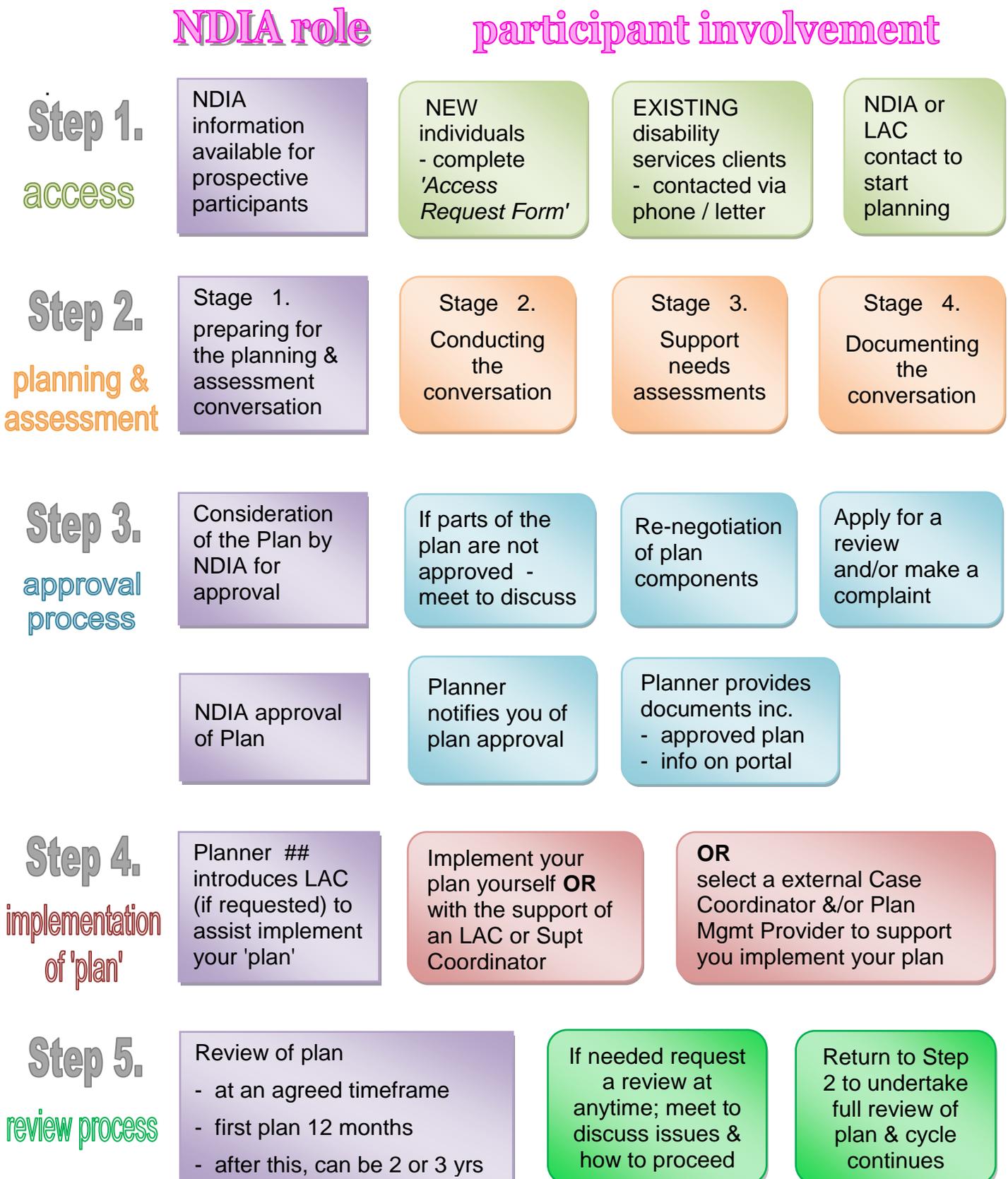
ACRONYMS

AAT	Administrative Appeals Tribunal
DHHS	Department of Health & Human Services
ISP	Individual Support Package
LAC	Local Area Coordinator
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
PMP	Plan Management Provider
SDA	Specialist Disability Accommodation

9.1. NDIA Launch - access & planning process

Please Note: this is NOT an official NDIS overview, but a flowchart created by the author to assist participants understand the **KEY** steps of the process.

note: the title for these roles are changing at present & may be different in future



9.2. Understanding 'Terms' - glossary

What do the words mean?

The meaning of important words used in this NDIA process are set out below. PLEASE NOTE: they are not the NDIA descriptions, but the author's, as many terms have not as yet been concisely clarified by the Agency.

Act refers to the NDIS (National Disability Insurance Scheme) Act 2013

Agency refers to the National Disability Insurance Agency (NDIA)

Carer

A person who provides unpaid care and support to a person who has a disability.

Community services

Services or supports within local communities that are available to all community members. Examples include health services, education, transport, home cleaning.

Delegate

A person who works for the Agency who has authority to approve your NDIS funding plan on behalf of the CEO of the NDIA (as per the NDIS Act).

Disability Services/ Supports

Supports that are provided specifically in response to the needs and goals of people with a disability and are not usually available to members of the public.

Financial intermediary role (or Plan Management Provider)

This role includes making payments at the direction of the participant, or his or her nominee, for the services that he or she has received as part of the delivery of their NDIS Package. The financial intermediary keeps records of such payments and reports expenditure to the person and to the Agency as required

Funding plan

Refers to the approved plan developed by Agency staff and the participant. It sets out the participant's goals and the specific funding allocated to each item of support required to achieve the goals.

Informal support

Support or assistance available within families, among friends, neighbours and members of a community, ie. not provided by a formal 'service'.

NDIS Act 2013 (the Act)

The law in Australia that provides the rules for the delivery of the NDIS.

Nominee

A person nominated by the person with a disability to assist him or her in making choices about what services and supports they require and who will provide those services. The nominated person assists with the arrangement of services and supports the administration of the funding.

Package

A package is the amount of funding that the Agency allocates to a person with a disability that is used to pay for a range of supports and services as set out in that person's approved funding plan.

Participant

means a person with an impairment or disability who has been approved as eligible to receive support from the NDIS and who then receives support from the NDIS

Person-Centred Plan (PCP)

A plan that is developed via person-centred planning approaches (see next entry) and provides detailed information about the person and the supports a person needs to achieve their goals. The comprehensive planning process usually includes consideration of the needs essential support people, such as family caring for the person, along with how and when supports will be provided and how the package will be 'managed' (eg self-management).

Person-centred planning

A process that explores a person's needs, goals and aspirations to develop a plan for how they may best be met. Principles for individualised planning are provided in the NDIS Act.

Self-management

The Agency directly provides an agreed amount (ie. part or all of package) to a special bank account in the participant's name (and/or his or her nominated person) The participant and/or nominee then manage the funding and pay directly for the supports in line with the funding plan.

Plan Management Provider (PMP)

A registered plan management provider is a term used to describe an individual or organisation that undertakes managing funding for supports on a participant's plan.

Registered Provider

A person or organisation who provides services and who has successfully applied to the NDIA to become listed on the NDIA register of service providers. This enables them to be funded directly by the NDIA for supports to NDIA participants.

Support Connector

A service that is provided to support people to implement and/or manage their package of funding and achieve their goals. It may include making arrangements to start supports, monitor delivery and take action if supports are not being delivered as the participant or their nominee is satisfied with.

9.3. NDIS Act Principles

NDIS Act 2012

Part 2—Participants' plans

Division 1—Principles relating to plans

31. Principles relating to plans

The preparation, review and replacement of a participant's plan, and the management of the funding for supports under a participant's plan, should so far as reasonably practicable:

- (a) be individualised; and
- (b) be directed by the participant; and
- (c) where relevant, consider and respect the role of family, carers and other persons who are significant in the life of the participant; and
- (d) where possible, strengthen and build capacity of families and carers to support participants who are children; and
 - (da) if the participant and the participant's carers agree—strengthen and build the capacity of families and carers to support the participant in adult life; and
- (e) consider the availability to the participant of informal support and other support services generally available to any person in the community; and
- (f) support communities to respond to the individual goals and needs of participants; and
- (g) be underpinned by the right of the participant to exercise control over his or her own life; and
- (h) advance the inclusion and participation in the community of the participant with the aim of achieving his or her individual aspirations; and
- (i) maximise the choice and independence of the participant; and
- (j) facilitate tailored and flexible responses to the individual goals and needs of the participant; and
- (k) provide the context for the provision of disability services to the participant and, where appropriate, coordinate the delivery of disability services where there is more than one disability service provider.

National Disability Insurance Scheme Act 2013

Part 2 OBJECTS AND PRINCIPLES

Section 4 General principles guiding actions under this Act

- (1) People with disability have the same right as other members of Australian society to realise their potential for physical, social, emotional and intellectual development.
- (2) People with disability should be supported to participate in and contribute to social and economic life to the extent of their ability.
- (3) People with disability and their families and carers should have certainty that people with disability will receive the care and support they need over their lifetime.
- (4) People with disability should be supported to exercise choice, including in relation to taking reasonable risks, in the pursuit of their goals and the planning and delivery of their supports.
- (5) People with disability should be supported to receive reasonable and necessary supports, including early intervention supports.
- (6) People with disability have the same right as other members of Australian society to respect for their worth and dignity and to live free from abuse, neglect and exploitation.
- (7) People with disability have the same right as other members of Australian society to pursue any grievance.
- (8) People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity.
- (9) People with disability should be supported in all their dealings and communications with the Agency so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs.
- (10) People with disability should have their privacy and dignity respected.
- (11) Reasonable and necessary supports for people with disability should:
 - (a) support people with disability to pursue their goals and maximise their independence; and
 - (b) support people with disability to live independently and to be included in the community as fully participating citizens; and
 - (c) develop and support the capacity of people with disability to undertake activities that enable them to participate in the community and in employment.
- (12) The role of families, carers and other significant persons in the lives of people with disability is to be acknowledged and respected.
- (13) The role of advocacy in representing the interests of people with disability is to be acknowledged and respected, recognising that advocacy supports people with disability by:

- (a) promoting their independence and social and economic participation; and
 - (b) promoting choice and control in the pursuit of their goals and the planning and delivery of their supports; and
 - (c) maximising independent lifestyles of people with disability and their full inclusion in the community.
- (14) People with disability should be supported to receive supports outside the National Disability Insurance Scheme, and be assisted to coordinate these supports with the supports provided under the National Disability Insurance Scheme.
- (15) Innovation, quality, continuous improvement, contemporary best practice and effectiveness in the provision of supports to people with disability are to be promoted.
- (16) Positive personal and social development of people with disability, including children and young people, is to be promoted.
- (17) It is the intention of the Parliament that the Ministerial Council, the Minister, the Board, the CEO and any other person or body is to perform functions and exercise powers under this Act in accordance with these principles, having regard to:
- (a) the progressive implementation of the National Disability Insurance Scheme; and
 - (b) the need to ensure the financial sustainability of the National Disability Insurance Scheme.

Section 5 General principles guiding actions of people who may do acts or things on behalf of others

It is the intention of the Parliament that, if this Act requires or permits an act or thing to be done by or in relation to a person with disability by another person, the act or thing is to be done, so far as practicable, in accordance with both the general principles set out in section 4 and the following principles:

- (a) people with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves;
- (b) people with disability should be encouraged to engage in the life of the community;
- (c) the judgements and decisions that people with disability would have made for themselves should be taken into account;
- (d) the cultural and linguistic circumstances, and the gender, of people with disability should be taken into account;
- (e) the supportive relationships, friendships and connections with others of people with disability should be recognised;
- (f) if the person with disability is a child—the best interests of the child are paramount, and full consideration should be given to the need to:
 - (i) protect the child from harm; and
 - (ii) promote the child's development; and

- (iii) strengthen, preserve and promote positive relationships between the child and the child's parents, family members and other people who are significant in the life of the child.

Section 6 Agency may provide support and assistance

To support people with disability to exercise choice and control in the pursuit of their goals, the agency may provide support and assistance (including financial assistance) to prospective participants and participants in relation to doing things or meeting obligations under, or for the purposes of, this Act.

Note: For example, the Agency might assist a participant to prepare the participant's statement of goals and aspirations by assisting the participant to clarify his or her goals, objectives and aspirations.

Section 7 Provision of notice, approved form or information under this Act etc.

- (1) The contents of any notice, approved form or information given under this Act, the regulations or the National Disability Insurance Scheme rules to a person with disability must be explained by the giver of the notice, approved form or information to the maximum extent possible to the person in the language, mode of communication and terms which that person is most likely to understand.
- (2) An explanation given under subsection (1) must be given both orally and in writing if reasonably practicable

9.4 NDIS Feedback and Complaints

1. Complaints about the services that you buy with your NDIS package

If you are unhappy with the quality of support or performance of a Disability Service or other service that you purchase with your NDIA funding package, complain to:

Disability Services Commissioner (DSC)

Level 30, 570 Bourke Street, Melbourne 3000
email: complaints@odsc.vic.gov.au

ph: 1300 728 187 rural: 1800 677 342 (free call) TTY: 1300 726 563

More information on website or ring: www.odsc.vic.gov.au

2. Complaints about the Decisions that the NDIA makes eg. not eligible or can't have an item you feel you need

The NDIS Complaints Procedures requires that the NDIA:

- take immediate action where there appears to be a high risk of harm, neglect or abuse
- acknowledge complaints within 24 hours of receipt
- call you within 48 hours of acknowledgement
- resolve complaints within 21 calendar days
- publish information on our performance

The Agency (NDIA) encourages complaints & these can be

- made in writing or in person
- submitted on the Agency Complaint Form
- directed to the person you have a concern about,
- or to their supervisor
- if you are still unhappy you can speak to the State/Territory manager

NDIA Complaint form can be downloaded from: <http://www.ndis.gov.au/document/457>

Points about reviewable decisions:

- requests for a Review of a decision must be made within 3 months of receiving notice of the Reviewable decision from the CEO.
- reviewable decisions include things like being
 - accepted as a participant,
 - the provision of reasonable and necessary supports,
 - a decision to become a registered provider of supports
 - and many other decisions.
- the Agency will inform you if the decision that has been made is a reviewable one
- the Agency should provide you information on appealing reviewable decisions when the decision is made

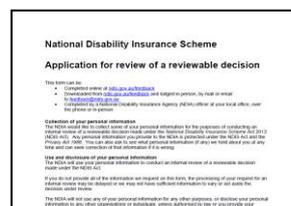
Administrative Appeals Tribunal

If the participant is still dissatisfied with a decision following an internal (ie. within NDIA) review, they can then apply to the Administrative Appeals Tribunal (AAT).

This includes decisions, such as a decision that a participant cannot manage the funding for supports will be reviewable by the AAT.

complaints: ph. 1300 366 700 email: feedback@aat.gov.au
 website: www.aat.gov.au

Applications for a review can be sent to the CEO at
 NDIS
 GPO Box 710
 Canberra ACT 2601



3. Complaints about the NDIA itself or NDIA staff

If you aren't satisfied with the performance of the Agency you can complain to the
Commonwealth Ombudsman.

phone on 1300 362 072

web: <http://www.ombudsman.gov.au/pages/making-a-complaint>

Support for contacting the Agency

- TTY: 1800 555 677
- Speak and Listen: 1800 555 727 (National Relay Service)
- For people who need help with English TIS: 131 450

9.5 NDIS Operational Guidelines

The NDIA has a range of Operational Guidelines that set out the rules of how the NDIS is to be set up and administered. The titles of Guidelines are listed below within the operational category they belong to. These can assist you **understand the rules** that the Agency is applying to your **interaction with them and their decisions** about the supports they agree to fund.

Gateway

- Overview
- LAC - Local Area Coordinator
- Giving Information about Becoming a Participant

Access

- Overview
- Decision Tree for Disability and Early Intervention Requirements
- Early Intervention requirements
- Disability requirements
- Residence requirements
- Age requirements
- When a person stops being a participant

General Conduct

- Overview
- Giving Information about Becoming a Participant
- Providing Support and Assistance
- Supporting Participants' Decision-Making

Children

- Overview
- Determining the Child's Representative
- Determining Parental Responsibility for a Child
- Determining the Child Can Represent Themselves

Nominees

- Overview
- Appointing a Nominee
- Duties and Removal of Nominee
- Whether a Nominee is Necessary

Planning & Assessment

- Overview
- Assessment of Participants' Needs
- Facilitating the Participant's Statements of Goals and Aspirations
- The Planning and Assessment Conversation
- Supports in the Plan
- Risk and Safeguards
- The Plan Management Decision
- Prioritisation of Plans – Urgent Cases

Operational Guidelines continued

Planning & Assessment - Supports in the Plan

- Assistive Technology
- Home Modifications
- Motor Vehicle Modifications
- Supports for Early childhood
- Supports for Employment, Vocational Training & Higher Education
- Supports for Sustaining Informal Supports
- Household Tasks
- Interface with Child Protection & Family Support
- Interface with Health
- Interface with Justice
- Interface with School Education
- Interface with Transport
- Interface with Housing & Community Infrastructure
- Interface with Mental Health
- Personal Care Supports
- Prosthetic Limbs
- Recreation Supports

Information Handling

- Overview
- Collecting, Accessing and Recording Protected Information
- Disclosing Protected Information
- Serious Threat to Life, Health or Safety

Monitoring & Review of Participant's Plans

- Overview
- Monitoring Plans
- Review of the Plan
- Extending Grace Periods

Compensation

- Overview

Recovery of NDIS Amounts

- Action has not Been Commenced to Recover Compensation
- Compensation not Received but Action Commenced
- Compensation Received under a Judgment or Settlement

Revise the Plan and Reduce the Supports

- Compensation Received Under an Insurance Scheme or a Commonwealth, State or Territory
- Agreement to Give Up Compensation
- Compensation Received under a judgment or Settlement

Operational Guideline on **Registered Providers of Supports**

9.6 NDIS Frequently Asked Questions (FAQ's)

NOTE: these FAQ's are provide for your information, but more detailed info on the NDIS rules and guidelines on the NDIS website www.ndis.gov.au

TRANSITION

Can I just keep my ISP/Futures package and not transfer to the NDIS?

No, the Victorian government has agreed to transfer all ISP and other disability specific funded supports and services to the NDIS as it rolls out across the State.

Do I have to contact the NDIS so I don't get missed?

If you live in an geographic area where the NDIA is opening up, your current disability or early intervention service usually will let you know that transition to the NDIS is starting. In the Launch Sites each service type eg. ISP's, transferred one by one over time. However, if others around you transfer and you haven't had contact then you should approach the NDIA.

If you live outside of a NDIS Barwon Launch area, then transition to the NDIS will commence progressively in other areas of Victoria from the 1st July 2016.

Do people who live in group homes miss out on the NDIS?

No, the funding that funds the staff who support people to live in group homes will also transfer to the NDIS. The NDIA will then pay the agency (non-government or government ie. DHHS in Victoria) for the staff support costs. Residents will also be able to receive NDIS funding for their goals and other needs that they have, such as learning, day program or supported employment.

I hear that there are a lot of problems with the NDIS start sites, will the scheme keep going?

There have been many reports in the media about problems and complaints about the NDIS, this alone is not enough for the scheme to be stopped by government. The NDIS has been set up through a Federal Act of Parliament the NDIS Act and this would have to be repealed or changed in order to 'scrap' the scheme. Everyone knew there would be issues with the launch sites as the scheme was put together quickly and participants started to use the scheme prior to all the guidelines being finalised. The important thing is that the NDIA is listening to feedback and making changes to the scheme in response to this.

Are ISP's the same as NDIS packages?

The short answer is, no, while ISP's have many similarities to the NDIS packages because the NDIS was modeled on the Victorian system, they are not completely the same.

The detailed answer if we ignore the obvious, ie. funded by different legislation and levels of government; is that they both are attached to the 'person', not a service; are intended to provide flexible and individualised support based on a person-centred approaches. The differences include the items/services that can be purchased and the NDIS has three levels of funding management and Victorian ISP's have four levels of funds management.

INFO SHEET (pg 2) - FAQ's about the NDIS

Does an NDIS package have a case manager attached to them?

No, not automatically. You will have a contact at the NDIA but their job is not as broad as a Case Coordinator/Manager. If you feel you need case management or support to coordinate your package then it would be best to talk with your NDIS planner about whether you need to build into your NDIS plan budget, funding for 'case coordination' and/or 'plan management' (support to find, purchase and pay for the supports/services that are funded in your plan).

AGE

At what age can an individual receive support from the NDIS?

The person with disability needs to be under 65 years, that is between 0-64 years to apply. People aged 65 years and over at the time they request NDIS support will not be eligible for the NDIS, but can seek supports from Aged Care services.

Does a participant lose their NDIS package when they turn 65?

Participants who acquire an NDIS package prior to turning 65 years will not lose their NDIS package, as they can choose to continue to receive supports from the NDIS. .

RIGHTS

Does NDIA share my information with others?

Under privacy law the NDIA cannot give your private information to any service or agency without your permission, except other government agencies such as Centrelink & Medicare.

What if I am (or family member is) deemed to not be eligible for the NDIS?

If the Agency (NDIA) makes a decision that you/your family member is not eligible for individual funding under the NDIS, they should provide you with information on how to 'complain' and/or ask for a review of this decision.

You can apply for a review of the decision and this is an internal (ie. within NDIA) process as a first step. The next step, is to make an appeal to appeal to the Administrative Appeals Tribunal (AAT) - <http://www.aat.gov.au/AboutTheAAT.htm>

What if I have an urgent need for support from the NDIS?

If an eligible participant has an urgent need for supports the requirements of the [NDIS Act](#) do not change and must be met. However the level of detail in a plan will be guided by the time available. For example, the *Participant's Statement of Goals and Aspirations* will contain the level of detail desired by the participant and need not be provided to the NDIA in writing and the statement of supports can be approved ahead of all the information or assessments being provided or conducted. In these circumstances it would be expected that the plan would have a short time set for review eg. 3 months, to allow for a more fulsome planning and assessment conversation once the urgency has passed.

Can I ask for a change of NDIS worker if I'm not getting along with them?

Like any concern or complaint, you can talk to someone at the NDIS about the issue and changes can be agreed on, without fearing of losing service ie. retribution.

INFO SHEET (pg 3) - FAQ's about the NDIS

FINANCIAL

If I get a NDIS package will it affect any Centrelink payments?

NDIS packages are NOT intended to provide a person with an 'income', so it will not affect your main income such as a Disability Support Pension (DSP). Centrelink (& the Tax office) acknowledge that an NDIS package is for purchasing supports related to your disability not 'income' to pay living costs like the rent, clothes, electricity and food.

Your NDIS package may however impact your Mobility allowance. If you receive support from the NDIS that funds transport, then your Mobility Allowance is likely to be ceased.

What does the NDIS fund?

This is different for everyone, as it depends on what types of services and supports required due to a person's disability. This might include but is not limited to categories of supports

Personal care, Aids, equipment, home and vehicle modifications, Day Services including community inclusion, Respite, Specialist housing support, Domestic assistance
Transport assistance, Therapies, Case management and coordination, Specialist employment services, Mobility assistance including Guide and assistance dogs, emergency support

Will the NDIS pay for support in schools where there is little funding?

The NDIS will take over 'disability funding' from the States, but it is not replacing other departments that provide mainstream services, eg. schools, hospitals. The NDIS has guidelines around the overlap between other departments or service areas, but the general approach is that only things needed due to your disability are funded by the NDIS, eg. a person with cerebral palsy may require physiotherapy to support their mobility and this may be funded by the NDIS.

Can I employ family members with my NDIS package?

Under the Victorian ISP guidelines you are able to use family members as support staff as long as they DO NOT live with the person receiving care (ie. the person the ISP is for).

Individuals have reported that this arrangement has not been welcomed or encouraged under the NDIS. It may be more acceptable where an individual is a worker for an agency and is not directly employed by the NDIS participant, that is, the participant is not self-managing that part of the funding. Having said this, in the future when the guidelines are shaped more by the feedback from the launch sites this may change, so if you wish to do this, there is no harm in asking.

Will NDIS funded 'plan management services' incur GST?

Yes. Plan management is a service that will attract GST. However, the cost of Plan Management including the GST will be funded by the NDIA, that is, the participant's plan will include an item that provides funding to cover all the costs of the Plan Management Service

Who pays for assessments that may be required?

If the NDIA asks you to have an assessment, they will pay the cost of the assessment