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Title:	Aged Care and the NDIS
Audience:	Mainstream and community stakeholders
Usage:	Suitable for use by community engagement staff
Notes:	• Presenter can mix and match slides from other presentations, remove or hide slides not needed. Presenter should amend the dialogue in the speaker notes to suit the audience • Please amend cover and last slide where marked • Co-design and Engagement Branch to update post approvals
Restrictions:	NIL
Date released:	12/8/2019
Date updated:	09/01/2023

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Version control				
Version	Date	Amended by	Changes made	Status
1.0	12/8/2019	Unknown	Presentation created	Approved
1.4.1	13/10/2021	Unknown	Minor update to review messaging on slide 16, and update to slide master	Approved
1.4.1	06/06/2023	NEL199	Moved to widescreen	Approved
1.4.2	10/07/2023	MM0086	Updated content to align to YPIRAC Operational Guidelines and Aged Care	Approved
2.0	09/01/2023	NEL199	Inclusion of Applied Principles and Tables of Support (APTOS) contennt.	Approved M. s22(1)(a)(ii) - irrelevant material Director, YPIRAC Hospital Interface Branch

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Aged Care and the NDIS

ndis.gov.au | November 2023

3

Acknowledgement of Country

Before we begin, I would like to acknowledge the Traditional Owners and Custodians of the Country on which we meet today, and their continuing connection to land, sea, and community. I pay my respects to their Elders, past present and emerging.

I would like to extend that acknowledgement and respect to any Aboriginal and Torres Strait Islander peoples here today.

4

Accessibility (remove any irrelevant)

Auslan interpreters will be spotlighted

Live Captions are available

There will be questions and answers at the end

Raise your hand if you have any questions

Easy Read resources will be linked

An accessible recording will be made available

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5

Privacy statement

- The NDIS Act governs the collection, recording, disclosure and use of protected Agency information by all people, including contractors, partners and others who deal with protected Agency information.
  The unauthorised collection, use, accessing or recording of protected Agency information is a criminal offence.

- The Privacy Act also contains penalties for the misuse of personal information.

- During this session, please do not:

  - share any personal information or protected Agency information; or

  - record or share the session without the consent of all attendees.

- During this session, only UNCLASSIFIED information (such as details published on the NDIA website, or general matters not containing personal information or protected Agency information) may be discussed.

If you wish to discuss a scenario involving a particular person, please contact the NDIA on:
1800 800 110 or email **enquiries@ndis.gov.au** for assistance.

6

Contents

- Aged care and the NDIS

- Applied Principles and Tables of Support (APTOS)

- Further information

7

Aged care and the NDIS

NDIS and Aged Care

The NDIS funds:

- supports assessed as reasonable and necessary but are not funded under the Aged Care system.

What the Aged Care system funds/provides:

- Quality and affordable aged care and carer support services, including subsidies and grants, industry assistance, training and regulation of the aged care sector.

NDIS access is designed for people under the age of 65, as the Aged Care System caters for those 65 and over.

9

Aged care services

Aged care services are funded by the [Department of Health Aged Care system](#) and include residential aged care and home care services.

Home care services are supports that assist with daily life. They include supports like in home personal care.

Home care services, are funded by the [Department of Health Aged Care system](#).

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10

Residential age care

Residential aged care services are funded by the Department of Health Aged Care system.

If a participant moves into a residential aged care service permanently for the first time after they turn 65 years of age, they will leave the NDIS.

Supports provided in residential aged care can be different from NDIS supports outside aged care facilities.

Find out more on the Department of Health website .

If a participant leaves the NDIS and moves into residential aged care permanently, they are unable to ask for an internal review.

This is because the law says we must remove you from the NDIS, without us needing to make a reviewable decision.

Learn more about what decisions can be reviewed.

11

Case study: Vish

Vish, 66 years old
Accessing residential age care for the first time

- Vish is 66 and is an NDIS participant. Vish was living by himself but decides to permanently move into residential aged care for the first time.

- The law says Vish then ceases to be a participant and he leaves the NDIS. The aged care system is now responsible for all Vish's support needs.

- Vish can't ask for an internal review of this decision.

- Vish also can't become a participant again, as he is older than 65.

12

Applied Principles and Tables of Support (APTOS)

Applied Principles and Tables of Support (APTOS)

- Access to mainstream services, community-based activities and other government programs is a shared responsibility across many services.

- All areas work together so people with disability receive support to meet their individual needs.

- A key tool is the Applied Principles and Tables of Support (APTOS).

- ATPOS outlines the roles and responsibilities of different sectors that deliver supports to people with disability.

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14

Responsibility areas – Aged care (APTOS)

Applied Principles – Aged Care

The aged care system will continue to be responsible for access to quality and affordable aged care and carer support services, including:

- through subsidies and grants

- industry assistance

- training and regulation of the aged care sector

- information assessment and referral mechanisms

- needs-based planning arrangements

- support for specific needs groups and carers

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15

Responsibility areas – Aged care (APTOS)

Applied Principles – Aged Care

Consistent with Principle 6 of the Principles to Determine Responsibilities of the NDIS and Other Service Systems:

a. where a participant chooses to move from the NDIS to the aged care system there will be a seamless approach to the person's transition between these systems, with the person supported at all points during the transition to ensure people receive appropriate supports as they age

b. the NDIS and the aged care system will recognise their relative areas of expertise and seek to leverage this expertise as appropriate.

16

Responsibility areas – Aged care (APTOS)

Applied Principles – Aged Care

A participant can choose to continue to receive supports from the NDIS after age 65 or can choose to take up an aged care place.

a. A person ceases to be a participant in the NDIS when the person enters a residential care service on a permanent basis or starts being provided with community care on a permanent basis, and this first occurs only after the person turns 65 years of age.

b. All parties will fulfill the responsibilities set out under Schedule F of the National Health Reform Agreement in relation to aged care and disability services, to the extent relevant to Parties of the Agreement.
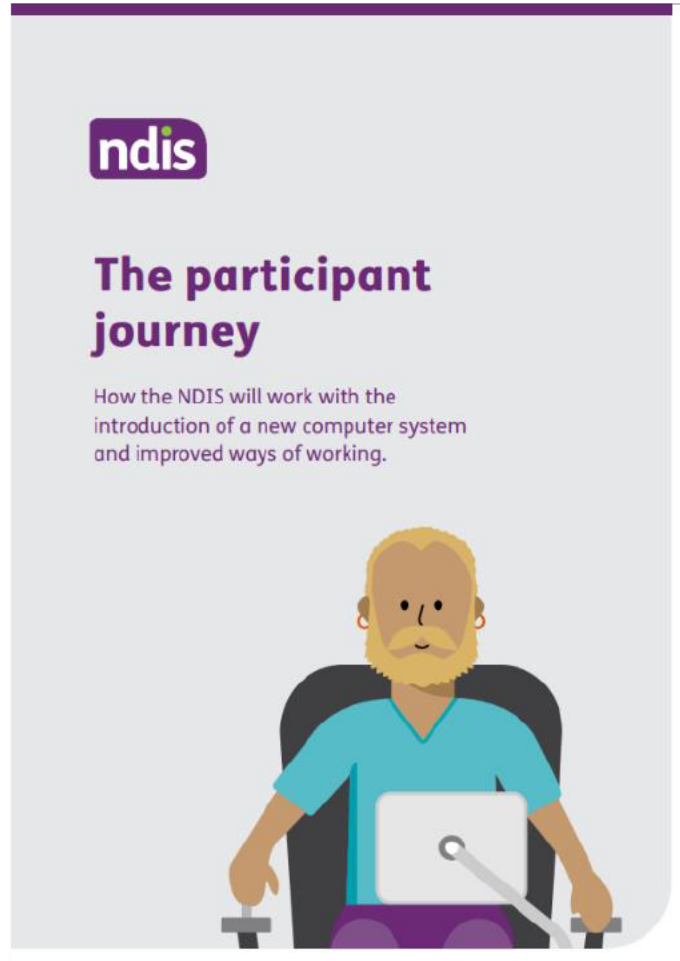
17

Responsibility areas – Aged care (APTOS)

Applied Principles – Aged Care

An NDIS participant under the age of 65 can choose to purchase support from an aged care provider.

The NDIS will fully meet these 'reasonable and necessary' support costs.

18

Further information

Resources

What if I start getting supports from aged care services NDIS?

What aged care fees and charges can we fund?

My Aged Care

Department of Health and Aged Care

The Applied Principles and Tables of Support to Determine Responsibilities NDIS and other service

20

Questions

National Disability Insurance Agency

📞 1800 800 110

🌐 ndis.gov.au

✉️ enquiries@ndis.gov.au (change to specific NDIS email if required)

Ⓕ Find us on Facebook/NDISAus

🐦 Follow us on Twitter @NDIS

For people with hearing or speech loss

📞 TTY: 1800 555 677

👂 Voice Relay: 1800 555 727

For people who need help with English

👥 TIS: 131 450

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22

Frontline Essentials - Creating Your Plan Program Guide

Transition Program V2.0

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Program guide to support the training for the Frontline Essentials Creating Your Plan facilitated modules. This program guide provides additional information to the PowerPoint for facilitators.

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The NDIS and Other Government Service Systems

Display Slide 34

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The NDIS and Other Government Service Systems

Other Government services available to all Australian's include:

- Health and Mental Health
- Early Childhood
- Child protection and family support
- School Education
- Higher Education and VET
- Employment
- Housing and Infrastructure
- Transport
- Justice
- Aged Care

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State: Here is the list of other Government services which are available to **all** members of the Australian community, regardless of whether they have a disability or not.

We have aged care listed here, however Aged Care isn't really considered a 'mainstream or other Government service system' for NDIS participants.

Ask: Why not?

Debrief: NDIS continues to fund disability related supports for participants who are aged over 65.

Ask: When might this change?

Answer: If the participant permanently commences accessing Aged Care services after they turn 65.

State: We always need to be aware that the Scheme is intended to build a more inclusive society, where the participation of people with a disability is maximised in the whole community.

The Scheme isn't intended to replace the supports or services provided by these systems, because those risks isolating participants <u>away</u> from their communities.

Now, we all know that sometimes there are gaps or wait times with other Government services. But whether or not the funding or service is fulfilling its responsibility, remember; **that's not the legal test!**

Prior to the launch of the NDIS, the Council of Australian Governments, made up of representatives from each state and territory government and the federal government, put together a table of the supports and the underpinning applied principles to determine which government would be responsible for a variety of supports. This interface, also called the other Government or mainstream interface, covered 11 types of services, from justice and employment to early education. The applied principles and the table of supports outlined when supports are likely to be the responsibility of (and therefore most likely funded by) the NDIS, when they are likely to be the responsibility of another service system.

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57

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Not long after the launch of NDIS, these applied principles and the table of supports, called Applied Principles and Tables of Support (APTOS), were entered in the Supports for Participants Rules 2013 as Schedule 1, which means that NDIS decisions makers must take these applied principles and tables of support into account when making reasonable and necessary decisions.

In 2019 the COAG was disbanded and reformed under the National Foundation Reform Council, however the APTOS remains enshrined in our Supports for Participants Rules 2013 under Schedule 1: Considerations relating to whether supports are most appropriately funded through the NDIS.

Delegate decision makers have used and explored the applied principles and table of supports since the Scheme was launched in 2013. To help make decision making clearer, the Agency provided even more guidance through the Operational Guidelines, including putting these principles into a table format in the Planning Operational Guideline (appendix 1), which is informed by the legislation and rules, as well as these principles and Disability Reform Council reforms.

However, there's, some important points we should all remember about the ATPOS:

- The COAG Principles were agreed upon <u>before</u> the NDIS was launched in 2013 and these principles were reviewed in 2015

- The Agency was not involved with the development or agreement of the principles

- These were agreed to by the Commonwealth, State and Territory governments; and

s22(1)(a)(ii) - irrelevant material

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Table 2 – Version Control

Version	Description	Completed by	Date
1.0	First Draft	KKL559	
1.1	Final	KHT002	18/10/2023
2.0	Link Updates	MJK078	28/02/2024

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191

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Ministerial and agency correspondence standard words

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V20240116   NDIA Standard Words Ministerial and Agency Correspondence Words   Page 1 of 87
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Page 28 of 45

Table of Contents

s22(1)(a)(ii) - irrelevant material

s22(1)(a)(ii) - irrelevant material

V20240116   NDIA Standard Words Ministerial and Agency Correspondence Words   Page 2 of 87
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Page 29 of 45

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Support for people over 65 years of age

Ministerial Response

The NDIS as an insurance-based scheme and takes a lifetime approach to a participant's support needs. The NDIS provides disability related supports to people with permanent and significant disability. NDIS supports are designed to complement, not replace, other available supports with government services such as health, aged-care, education, justice and transport. For participants who have turned 65 years old, consideration for their presenting needs will be made in relation to the most appropriate service that can meet their support requirements.

V20240116   NDIA Standard Words Ministerial and Agency Correspondence Words   Page 45 of 87
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Page 30 of 45

To be eligible for the NDIS, a person must first be younger than 65 when they apply. Then there are other requirements set out in the *National Disability Insurance Scheme Act 2013* that need to be met. These include information about residence, disability or early intervention requirements. If a person is close to turning 65 years old and wants to apply to the NDIS, it is best for the applicant to contact the NDIA directly enabling the NDIA to provide advice and support for the applicant to apply on time. When an NDIS participant turns 65 years old, they can choose to either stay with the NDIS or leave and get support from the aged care system.

If a participant turns 65 and enters residential aged care on a permanent basis for the first time, they are subject to being ceased from the NDIS under section 29(1)(b) of the *National Disability Insurance Scheme Act 2013*.

Agency Response

The NDIS as an insurance-based scheme and takes a lifetime approach to a participant's support needs. The NDIS provides disability related supports to people with permanent and significant disability. NDIS supports are designed to complement, not replace, other available supports with government services such as health, aged-care, education, justice and transport.

To be eligible for the NDIS, a person must first be younger than 65 when they apply. Then there are other requirements set out in the *National Disability Insurance Scheme Act 2013* that need to be met. This includes information on residence, disability or early intervention requirements. If a person is close to turning 65 years old and wants to apply to the NDIS, it is best for the applicant to contact the NDIA directly so the NDIA can provide advice and support to assist the applicant to apply on time. When an NDIS participant turns 65 years old, they can choose to either stay with the NDIS or leave and get support from the aged care system.

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V20240116   NDIA Standard Words Ministerial and Agency Correspondence Words   Page 46 of 87
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Page 31 of 45

Finalise the plan before a participant leaves the NDIS

The content of this document is OFFICIAL. This Standard Operating Procedure (SOP) will help you know what to do when a participant leaves the NDIS because they:

- have **decided** to leave, or
- are **over 65,** and:
    - entered permanent residential aged care, or
    - started receiving a home care package for the first time, or
- had their status **revoked** after an eligibility reassessment. If you are finalising a plan when a participant has died, please go to SOP – Finalise the participant plan following their death.

1. Recent updates

Date	What's changed
October 2022	- New SOP - SOP – Cease participant status has been divided into three (3): - SOP - Ask for an access request to be withdrawn - SOP - Finalise the plan before a participant leaves the NDIS - SOP - Cease the participant status to leave the NDIS - Links to Our Guideline -Leaving the NDIS - Links to New Form - Leaving the NDIS - Links to SOP – Finalise the participant plan following their death

2. Checklist

Topic	Checklist
Pre-requisites	You have read and understood: ❑ Our Guideline -Leaving the NDIS You have received a request:

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Participant leaving the NDIS because they:

- <have decided to leave>

- <are over 65 years and **<entered permanent residential aged care / started receiving a home care package for the first time>** on **<enter date from uploaded evidence>.**

- <have had their participant status revoked after an eligibility reassessment>

They are no longer a defined participant. Any future applications should be treated as new, and evidence of disability must be provided.

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- For people who decide to leave: explain what happens if you leave the NDIS then change your mind:
  - can reapply if **under 65**
  - can't reapply if **over 65** because they don't meet age requirements anymore
- Explain you have **reviewed the NDIS plan** which has (select all that apply):
  - <self-managed supports: ask who has been managing these payments>
  - <periodic payments>
  - <payment requests with negative balances>
  - <assistive technology orders not delivered>
  - <incomplete home or vehicle modifications>

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- Explain **how you can support** by:
  - finalising the plan before they leave the NDIS
  - linking with other supports

- Refer to Our Guideline -Leaving the NDIS to explain the options.

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4. Add an **Interaction** using Interaction templates - General - Cease participant status.

Include the following in **Notes** field:

- We received evidence on **<DD/MM/YYYY>** that the participant is leaving the NDIS because they:
- <decided to leave>
- <are over 65 years and <entered permanent residential aged care / started receiving a home care package for the first time> on <enter date from uploaded evidence>.
- <had their participant status revoked after an eligibility reassessment>
- Please cease the participant status in the NDIS business system.

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3.11 If required, link with other supports

1. Provide linkages/information about supports and services that may be available from the community and other government services.

2. Consider what relevant supports are available in the person' area. For example, in:

- all states and territories:
  - Other services in your state and territory (external)
- ACT:
  - Community Services Directorate (external)
  - ACT Community Directory (external)

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- NSW:
  - Peak bodies (external)
  - New South Wales Community Directory (external)
- NT:
  - Community support and care (external)
  - Northern Territory Community Directory (external)
- QLD:
  - Getting support for a health or social issue (external)
  - Queensland Community Directory (external)
- SA:
  - SA Directory of Community Services (external)
  - South Australia Community Directory (external)
- TAS:
  - Department of Communities Tasmania (external)
  - Tasmania Community Directory (external)
- VIC:
  - Services (external)
  - Victoria Community Directory (external)
- WA
  - Department of Communities Western Australia (external)
  - Western Australia Community Directory (external)

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Standard Operating Procedure

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6. Version control

Version	Amended by	Brief Description of Change	Status	Date
1.0	EMN960	Class 1: EL2 approval	APPROVED	2022-09-02
2.0	LNL387 GO0002 SM0075	Class 3 PCC approval Class 3 ND approval Class 3 PXD approval SOP – Cease the participant status divided into three (3) SOPs: • Ask for an Access Request to be withdrawn • Finalise the plan before a Participant leaves the NDIS • Cease the participant status to leave the NDIS Links to: • Our Guideline – Leaving the NDIS Form – Leaving the NDIS	APPROVED	2022-09-23

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Referral Checklist: Eligibility Reassessment or Access Status Change – Early Intervention

This checklist will help you decide if a participant who joined the NDIS under **early intervention requirements** should be referred for an:

- Eligibility Reassessment (ER); or
- Access status change from early intervention to disability.

A participant must leave the NDIS if they don't meet the following requirements:

- Residence
- Disability or Early Intervention.

They must also leave the NDIS if they are **over 65** and:

- in permanent **residential aged care** for the first time after turning 65, or
- are receiving an **aged care package**

This needs to be verified by receiving a copy of the participant's aged care residential service agreement to view the date of entry. If you identify a participant over 65, in this situation, you must help them to leave the NDIS using the SOP – Finalise the plan before a participant leaves the NDIS. **Don't complete this checklist**.

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Date	What's changed
	• **New instruction** to check if participants over 65 are in residential aged care or receiving an aged care package, then follow <u>SOP – Cease participant status to leave the NDIS</u>. • **New prompt**: Is the participant over 65 and: • first entered aged care permanently after the age of 65 years, or • receiving an aged care package • **New action 3.2**: Attach completed checklist to participant's record • Existing content updated to highlight the different considerations for **global** developmental delay and **developmental delay**.

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2.1 Complete the checklist

1. Complete the checklist and follow the instructions in <u>SOP – Refer the participant for an Eligibility Reassessment (ER) or Access Status Change</u>. Unless specified otherwise, complete the checklist by progressing through each question consecutively.

Participant information	Details
Participant's name:	
Staff member completing checklist:	
Date completed:	Click or tap to enter a date.
1. Is the participant over 65 and: • **first entered aged care permanently for the first time after turning 65 years, or** • **receiving an aged care package?** This needs to be verified by receiving a copy of the participant's aged care residential service agreement to view the date of entry.	☐ **Yes**, do not refer to NARB If selected, do not complete remainder of checklist. Instead, refer to <u>SOP – Finalise the plan before a participant leaves the NDIS</u>. ☐ **No**

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Participants with exit reason 'Over 65 and Aged Care' by exit month as at 29 February 2024

	1-Jan-22	1-Feb-22	1-Mar-22	1-Apr-22	1-May-22
SDA funding (ever)	0	1	0	0	0
SIL or ILO funding (ever)	0	2	0	0	0

1-Jun-22	1-Jul-22	1-Aug-22	1-Sep-22	1-Oct-22	1-Nov-22	1-Dec-22
1	2	2	2	0	4	0
2	3	2	3	0	6	0

1-Jan-23	1-Feb-23	1-Mar-23	1-Apr-23	1-May-23	1-Jun-23	1-Jul-23
0	4	2	0	2	0	1
0	4	2	0	3	0	1

1-Aug-23	1-Sep-23	1-Oct-23	1-Nov-23	1-Dec-23	1-Jan-24	1-Feb-24
1	2	1	0	1	1	2
2	2	2	1	1	2	3