

## Reasonable and Necessary Supports

**Quick summary:** The Australian Government made laws about what we can fund under the NDIS. All supports need to meet the criteria in these laws before we can fund them in your NDIS plan. We call these the NDIS funding criteria. For example, supports need to relate to your disability, be value for money and effective and beneficial. We also need to make sure all supports are most appropriately funded or provided by us. Each support must meet these criteria individually, but the supports must also meet the criteria when considered as a package.

**Note:** when we say 'your plan' we mean your NDIS plan. If you're looking for information about community connections, go to <u>Our Guideline – Community Connections</u>.

If you're looking for information about your child's early connections, go to <u>Our Guideline – Early Connections</u>.

## What's on this page?

#### This page covers:

- What principles do we follow to create your plan?
- What supports can you get?
- What other principles do we consider when we decide what supports to include in your plan?
- How do we decide what reasonable and necessary supports to include in your plan?
- Step 1: How do we describe a support in your plan?
- Step 2: How do we work out if an identified and described support meets the NDIS funding criteria?
- Step 3: How do we include the reasonable and necessary supports in your plan?

#### You may also be interested in:

- Mainstream Supports
- Creating Your Plan
- Changing your plan
- Reviewing our decisions
- Would we fund it?

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## What principles do we follow to create your plan?

The NDIS was set up as a world first approach to disability support. It puts people with disability at the centre of decision-making, through the principles of reasonable and necessary supports and individual choice and control.

As an insurance-based scheme, we take a lifetime approach to a participant's support needs. We provide assurance to people with permanent and significant disability or developmental delay, and to people who might acquire disability or developmental delay, that they will get the support they need. Individual funding means we help participants to purchase services and supports from a competitive and consumer-driven marketplace.

#### What supports can we fund?

NDIS supports should complement, not replace, other supports available to you. That's why we consider:

- the things you're able to do for yourself
- support you have from others in your network, including family members, relatives, friends, local community services and mainstream government services.

One of our aims is to help maximise your independence by working with the local mainstream government and community services that help you live an ordinary life. We all do best when we're connected to our communities.

And as an active consumer, it's important you are able to shop for and access providers who meet your needs. We can help you find providers who meet your needs.

Once we've considered your circumstances, we need to follow the rules determined under the law for the NDIS in our planning decisions. We fund supports that are reasonable and necessary.

This means we will only fund a support if it meets **all** of the following criteria:

- the support is related to your disability<sup>2</sup>
- the support will help you pursue your goals and aspirations<sup>3</sup>
- the support will help you undertake activities that will increase your social and economic participation<sup>4</sup>
- the support is value for money,<sup>5</sup> which means that the costs are reasonable:
  - when compared to the benefits to be achieved, for example, whether purchasing the support is likely to reduce the cost of funding other supports in the long term<sup>6</sup>

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- when compared to alternative options that may provide you with the same outcome at a similar or lower cost<sup>7</sup>
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence<sup>8</sup>
- the support is required to complement the informal supports you have available, by considering what is reasonable for families, carers, informal networks and the community to provide<sup>9</sup>
- the support is most appropriately funded or provided by the NDIS<sup>10</sup>
- the support is not more appropriately funded by another service system, agency, person, or body, such as the education system or the health system.<sup>11</sup> We can't fund a support if it's the responsibility of another service system.

#### What supports don't we fund?

We do not fund a support if:12

- it is likely to **cause harm** to you or others<sup>13</sup>
- it is **not related** to your disability<sup>14</sup>
- it **duplicates** other supports delivered by the NDIS<sup>15</sup>
- it is considered a day-to-day living cost (for example, rent, groceries or utility costs like your water bill) that are not attributable or caused by your disability support needs<sup>16</sup>
- providing the support would be against the law<sup>17</sup>
- it consists of income replacement<sup>18</sup>
- it is the responsibility of other service systems to provide (for example, your state government, the education system, or the health system).<sup>19</sup> These different systems have different responsibilities and are designed to complement each other to form a government safety net. Like all Australians, NDIS participants continue to have access to these systems. We can't fund a support if it's the responsibility of another service.

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#### How do we manage the financial sustainability of the NDIS?

The NDIS is an insurance scheme, and one of our core functions is to manage the financial sustainability of the Scheme.<sup>20</sup>

When we make decisions about the supports we fund in your plan, we must also consider our need to ensure the **financial sustainability of the NDIS**.<sup>21</sup> This means we must work within our funding budget, set through agreements between the Australian, and State and Territory governments.

It's also important to know the NDIS is only one part of the broader National Disability Strategy that supports people living with disability. The overall success and sustainability of the National Disability Strategy relies on:

- people accessing their informal support network to get the help they need from dayto-day
- people using their personal income to pay for their day-to-day living expenses, as is expected of all Australians
- mainstream and community services being available from state and territory governments, and other federal government programs such as Medicare
- a fair distribution of NDIS supports to those who need them, provided within our funding budget.

Staying within our budget ensures the NDIS will be here to support generations of Australians and their families.

### What principles do we use to create your plan?

We use the following 7 principles, to create plans that help you get the reasonable and necessary supports you need, and to make sure the Scheme is financially sustainable:

- Fair for everyone, both today and for future generations
- Fair funding to pursue your goals
- Evidence-based best practice
- Fair early investments
- Fair support across service systems
- Fair supports for your disability needs
- Fair assistance from multiple programs

Fair for everyone, both today and for future generations

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While we need to consider your individual circumstances and disability needs, we also need to make consistent decisions and treat people fairly.

This means participants with similar circumstances and disability needs should receive similar amounts of supports in their plans. We also need to ensure the total cost of all participant plans are within the overall NDIS budget set by governments.

Each support in your plan must be reasonable and necessary. They also need to be reasonable and necessary as a package of supports. We approve your whole plan, not the individual supports in your plan in isolation.<sup>22</sup> Information about what supports we'd usually include in your plan helps guide this process.

This information also helps to guide the consistency of our decision-making process. We use it to check your overall plan and make sure all your supports make sense together. We'll check your support types and amounts will complement each other to help you fulfil an ordinary life.

We may then increase or decrease the funding in your plan based on:

- information you share with us
- any reports or other information we have
- applying the NDIS funding criteria.

This helps keep the system fair for everyone, and ensure we remain financially sustainable.

#### Fair funding to pursue your goals

Goals are important.<sup>23</sup> The supports we fund need to help you maximise your independence and pursue your goals.<sup>24</sup> This means your supports should help overcome any disability-specific barriers which may be stopping you from pursuing your goals.

This doesn't mean we fund all support costs associated with you pursuing your goals. Also, you may have goals and aspirations we can't fund supports for. This is because helping you pursue your goals is only one of the NDIS funding criteria, so not all supports that help you to pursue your goals will be reasonable and necessary.

Other things to know about when setting your goals:

 Setting more goals or bigger goals doesn't mean we'll provide more funding or fund more supports. For example, if your goal is to live independently in a house with a swimming pool, we may fund home modifications that address your disabilityrelated needs. This might be a home modification to make your bathroom accessible.

We won't fund the swimming pool because this isn't related to your disability support needs. The funding in your plan might be similar to someone else who has a goal of 'to have a more accessible bathroom'.

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- 2. Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal. For example, if your goal is to get a gym membership to get fit, we wouldn't usually fund this. Gym memberships are things that all people, with or without disability, might want or need.
- 3. Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or provide that amount of funding. For example, you may tell us your goal is 'to get a top model shower commode' and you show us the one you want costs \$4,000.

If there is a shower commode that costs \$3,000, and your occupational therapist confirms this one will meet your needs, we are more likely to fund this one instead because it is likely to deliver the same result at a lower cost. We may also look at alternatives.

#### **Evidence-based best practice**

We only fund supports that will be, or are likely to be, effective and beneficial for you, having regard to current good practice.<sup>25</sup> This means we consider if there is evidence that the support is effective and beneficial for someone with similar disability support needs.

For example, we may already have information about whether the support is widely accepted to suit someone with your disability support needs.<sup>26</sup> The primary source of evidence we rely on, and give the greatest weight to, is evidence from sources that are reliable and widely recognised. This includes published and refereed literature, and any consensus of expert opinions. If there is no evidence to show a support is reasonable and necessary,<sup>27</sup> we won't fund the support.

You can find the types of evidence we need on our website, and in Our Guidelines.

#### Fair early investments

Having access to capacity-building supports early in your NDIS journey is considered to be an early investment. This early investment is intended to help increase your independence and reduce your reliance on NDIS funding over time.

This is an important concept we consider when we create your plan, and again at future plan reassessments. When we reassess your plan, we reassess all the supports you require to meet your disability support needs at that time.

Over time, your capacity building supports may no longer be reasonable and necessary, in regard to any of the following:

- your current functional capacity
- the effectiveness of the capacity building supports<sup>28</sup>
- value for monev.<sup>29</sup>

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When we say functional capacity we mean the things you can and can't do for yourself.

Your overall funding amount could go down from one plan to the next. This may be because you no longer need the same type or amount of supports, such as capacity building supports. Also, if the capacity building investment has been successful at building your independence, then your need for other supports may also decrease. For example, as you develop your skills you may not need as many Core supports.

So other things being equal, you should expect your overall plan value to reduce over time as the benefits of capacity building are realised.

#### Fair support across service systems

The support you need may be the responsibility of another government service, like education or health. We don't fund these services. We need to think about the supports you should receive from these services when we determine the supports in your plan.

#### Fair supports for your disability needs

When we make decisions about which supports we can fund, we consider whether a support is reasonable and necessary for you and apply the <a href="NDIS funding criteria">NDIS funding criteria</a>. Sometimes, you might ask for supports to help with impairments that were not part of your Access eligibility assessment. When this happens, we need to make sure the support will help you address the needs that arise from an impairment that meets the same eligibility requirement we consider at Access.

You don't need to make a new Access request if you ask for supports to help with an impairment which was not part of your Access eligibility assessment. We'll work out if you need the support to address an impairment which would meet our eligibility requirements. We may ask you to provide evidence to help us work this out. We will decide if the requested support is reasonable and necessary. We'll apply the NDIS funding criteria based on the impairments which meet our eligibility criteria.

We fund the right disability supports for your permanent impairments which meet our eligibility criteria. By doing this we make sure the system is fair for everyone, and the NDIS remains financially sustainable.

#### Fair assistance from multiple programs

NDIS funding can't duplicate other funding or supports you may receive due to your disability.

For example, you may have received a lump-sum payment or receive regular payments as a form of compensation for an accident. Or, you may be receiving ongoing supports from another program or insurance scheme, for example Work safe, Lifetime Care and Support or the Transport Accident Commission.

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We don't duplicate this funding, or these supports. We may reduce the total value of your NDIS plan to account for compensation you receive, or we may not fund certain supports.

## What supports can you get?

When we create your plan with you, we'll discuss what supports you need for your disability. We want to help you pursue your goals, increase your independence, and help you work, study and join social activities.

There are many supports you can get outside the NDIS. Other government and community services provide supports to all Australians, including people with disability. And your friends, family, and other people you know can often be your best supports.

We can fund supports you need for your disability if they meet certain criteria. These are called 'reasonable and necessary supports'. Your plan and supports will be just for you, so you have more choice and control over how you use them.

This guideline explains how we decide what reasonable and necessary supports we'll include in your plan. There are lots of things we have to consider, which we'll explain in detail.

We also have a <u>Would we fund it</u> guide. It has examples of how we decide whether we fund different types of NDIS supports.

### What supports can you get outside the NDIS?

Before we decide what reasonable and necessary supports to fund in your NDIS plan, we'll first discuss what other supports may be available outside the NDIS. This is an important information-gathering step. For example, there may be mainstream, community and informal supports that suit you.

**Mainstream supports** are other government services such as employment, education, health and family support services. They are often really helpful, and are available to everyone including people without disability. There are many ways they can help you learn new skills or live as independently as possible.

**Community services** offer a wide range of supports that may help with your disability support needs. Community supports are things open to everyone in the community, like sporting clubs, community colleges, activity groups, libraries or community gardens. They are often a great way to get involved in your local community, meet new people and learn new skills.

**Informal supports**, like your family, friends and other people you know in your community, can sometimes be your best supports. They know you and can often help in ways other supports can't.

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Your my NDIS contact or support coordinator will talk with you about what services are available for you outside the NDIS. We can also help link you with these supports, so you don't have to do it all on your own.

Accessing these supports is a good way to work toward your goals. You get to do it with other people and be involved in your community. Using these supports is part of life for most of us. It's important you get to access them the same as everyone else.

When it comes time to talk about what reasonable and necessary supports we can fund, you'll know how mainstream, community and informal supports can help you.

It's important we gather this information and help you access these services before we consider what reasonable and necessary supports we can fund. That way, we can help make sure you're able to access mainstream, community and informal supports wherever possible. This can help you become as independent as possible.

#### What are reasonable and necessary supports?

An NDIS support is the practical description of how you will be assisted under the NDIS.<sup>30</sup> Supports are the things we provide or fund to help to meet your disability support needs.

NDIS supports are the services, items and equipment we can fund or provide under the NDIS.

There are two types of NDIS supports we can include in your NDIS plan. We call them 'general supports' and 'reasonable and necessary supports'.<sup>31</sup>

#### **General supports**

General supports are the coordination, strategic or referral services and activities we provide, or arrange to be provided, for you.<sup>32</sup> They're how we help you develop your NDIS plan and connect with supports and activities in your community. This includes your mainstream, community and informal supports. Learn more in <a href="Creating your plan.">Creating your plan.</a>

#### Reasonable and necessary supports

Reasonable and necessary supports are the supports we fund in your plan to meet your disability support needs.<sup>33</sup> You can use this funding to buy supports from <u>service providers</u>.

The Australian Government made laws about what we can fund under the NDIS.<sup>34</sup> All supports we fund in a plan need to meet the criteria set out in these laws. We call these the NDIS funding criteria.<sup>35</sup>

To meet the NDIS funding criteria, a support must meet both the following criteria:<sup>36</sup>

- It must not be a type of support the law says we can't fund or provide.<sup>37</sup>
- It must meet the reasonable and necessary criteria.<sup>38</sup>

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We call supports that meet the NDIS funding criteria 'reasonable and necessary supports'.

Each individual reasonable and necessary support in your plan must meet the NDIS funding criteria. Your whole plan as a package of supports must also meet the NDIS funding criteria.

We check your overall plan to make sure all your supports make sense together. This means we check that your supports and the amount of supports will complement each other to help you fulfil an ordinary life.<sup>39</sup> Learn more about <u>reasonable and necessary supports</u>.

If you need a new support, which now means your overall package of supports doesn't meet the NDIS funding criteria anymore, we may either:

- not include the new support in your plan
- include the new support in your plan, but also reduce the other supports in your plan.

For example, a home modification may reduce your need for other supports. If we plan to fund a home modification, we will need to take that home modification into account when considering what other supports are reasonable and necessary, such as the amount of care you need at home.

# What other principles do we consider when we decide what supports to include in your plan?

As far as possible, we have to act according to principles set out in the <u>law for the NDIS</u>.<sup>40</sup> These are the things that guide us when we make decisions about what we fund.

These principles don't override or replace the <u>NDIS funding criteria</u> under the law for the NDIS. They can help us apply the funding criteria, by giving us additional guidance when we decide what supports to approve in your plan.

The principles include the following:

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- You have the same right as other Australians to realise your potential for physical, social, emotional and intellectual development.<sup>41</sup>
- You should be supported to take part in and contribute to social and economic life.<sup>42</sup>
- You should be supported to make choices about planning and how your supports will be delivered. This includes taking reasonable risks, so that you can pursue your goals.<sup>43</sup>
- You have the same right as other Australians to decide your own best interests. You
  have the right to be an equal partner in decisions that affect your life.<sup>44</sup>
- Your privacy and dignity should be respected.<sup>45</sup>
- We must make sure the NDIS is financially sustainable.<sup>46</sup>

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The principles also tell us that the reasonable and necessary supports we fund should:<sup>47</sup>

- support you to pursue your goals and maximise your independence
- support you to live independently and to be included in the community as a fully participating citizen
- develop and support your capacity to do things that help you participate in the community and in employment.

Just because a support helps you do these things doesn't mean we'll fund it in your plan. All supports we fund need to meet **all** the NDIS funding criteria.

We consider these principles set out in the law for the NDIS, along with the <u>principles we</u> <u>follow to create your plan</u>.

# How do we think about an ordinary life when deciding what supports to include in your plan?

To help guide us in our decision making about reasonable and necessary supports, we took advice from the NDIS Independent Advisory Council.

The Council represents people with disability and carers, bringing their own lived experience and expertise of disability. They give us advice on how the NDIS should work.

The Council advised us that all Australians, including people with disability, should have an 'ordinary life'. They also told us we should think about the idea of an ordinary life when we apply our principles and use the NDIS funding criteria.

An ordinary life is a life where you have the same opportunities as people without a disability. An ordinary life is one that is typical or usual for everyone in modern day Australia. It's a life where you can pursue your potential and participate in society on an equal basis with others.

An ordinary life will be different for different people. We are all different, and come from different cultures and backgrounds. We each have our own values, experiences, beliefs and goals.

But there are some common things that can improve the quality of our lives and help us participate equally. These are the things, such as the following, that make up an ordinary life:

- Positive relationships with families and informal support networks.
- Individual autonomy being free and independent, and having the same opportunities as people without disability.
- Active involvement in decision-making including the ability to make meaningful decisions, and exercise choice and control.
- Using your strengths in ways that provide a challenge and enjoyment.

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A sense of belonging – to our families, friendship networks, communities, workplaces and society.

Active involvement and contribution to society and your community.

An 'ordinary life' in the context of the NDIS involves supporting you to:

have and maintain good relationships

belong and participate in your community

be involved in making choices about your own life.

One way we can help you have an ordinary life is to support you to access mainstream, community or informal supports wherever possible. These are the usual supports that everyone in the community uses.

When we fund reasonable and necessary supports under the NDIS, we need to make sure they meet the NDIS funding criteria.

When we apply the NDIS funding criteria and make decisions about reasonable and necessary supports, we're guided by the principles in the law for the NDIS. We also consider how the supports will best help you to live an ordinary life.

# How do we decide what reasonable and necessary supports to include in your plan?

# What information do we consider to work out what reasonable and necessary supports to fund in your plan?

The most important information we gather about what supports to include in your plan comes from you.

When we create your plan, we will talk with you about:

- your goals and aspirations<sup>48</sup>
- your strengths, capacity and individual circumstances<sup>49</sup>
- any barriers, limitations and restrictions you face in undertaking activities or things that stop you from living an 'ordinary life'<sup>50</sup>
- your disability support needs<sup>51</sup>
- any risks and safeguards we may need to think about when considering your support needs.<sup>52</sup>

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We use this information to create your plan with you. Generally, we'll discuss this information before you become an NDIS participant. We'll continue to discuss it when we check-in with you once you have your plan. Learn more about check-ins in <a href="Our Guideline">Our Guideline</a> – Your plan.

We want to get a good understanding of your disability support needs. We know you're the expert in your own life, and we use your lived experience as much as we can. When we ask for information from you, we encourage you to involve anyone you want to help you give us this information.

We'll also think about other information we have such as medical or therapy reports, or assessments you've had.<sup>53</sup>

We look at different types of evidence for different types of supports. We may need a report or assessment from your doctor or health professional who specialises in helping you manage your disability.

Reports and assessments may tell us why you need the support and how the support relates to your disability support needs. For example, an occupational therapist may send us a letter about why you need a specific type of wheelchair.

When we create a new plan for you during a reassessment we think about the supports in your current plan. We'll check if you need any changes to these supports to help you pursue your goals in your next plan. We use information from your providers to let us know how the supports they are providing have helped you work towards your goals.

We'll look at the evidence we get to make sure we have enough information to decide if the support meets the <u>NDIS funding criteria</u>. Sometimes we may ask for further information and assessments, if we need them to help us work out your support needs when we approve your plan.<sup>54</sup>

Learn more about the types of evidence we can use when we create your plan.

To help us work out what supports to consider for people aged 9 years and older we also use a 'Typical Support Package'. <sup>55</sup> We worked with people with disability, professionals and subject matter experts to develop the Typical Support Package.

It helps us work out the types of supports we'd usually expect to include in your plan. It's based on your situation and support needs.

We then amend the supports suggested by the Typical Support Package to include more, less or different supports if we need to. We may adjust the funding for those supports up or down based on our discussion with you, the information you share with us

any reports or other information we have, and when we apply the NDIS funding criteria.

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For children younger than 9, we consider the child's current functioning across development areas when we work out the reasonable and necessary supports that should be funded in a child's NDIS plan. Learn more about the <u>Early Childhood Early Intervention approach</u>.

## How do we consider your goals when we work out your reasonable and necessary supports?

Before we create your plan, we'll discuss your current goals and personal details, including things like your living arrangements and current supports. We'll include this information in your plan.<sup>56</sup> Your goals are your own personal desires about what you'd like to do.

You can set any goals you like, even if they're about things we won't fund supports for. You can also change your goals at any time.<sup>57</sup> We consider how your funded supports will help you pursue your goals when we decide to approve your plan.<sup>58</sup>

Reasonable and necessary supports should help you pursue your goals,<sup>59</sup> but you don't need a specific goal for every support in your plan. When we decide if a support will help you pursue your goals, we consider your whole situation.

We look at the disability specific barriers that prevent you from pursuing your goals, and how the support will address your disability support needs.

There are some things to remember when setting goals:

- Setting more and bigger goals doesn't mean we'll fund more and bigger funded supports.
- Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal.
- Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or in that amount.

This is because helping you pursue your goals is only one of the NDIS funding criteria.<sup>60</sup> A support must meet all of the NDIS funding criteria to be funded under the NDIS. So not all supports that help you to pursue your goals will be reasonable and necessary supports.

Learn more about <u>setting your goals</u> and <u>how we consider your goals under the NDIS</u> funding criteria.

### What if your plan needs to change?

If it's not your first plan, we also consider how well the supports funded in your previous plans worked for you. <sup>61</sup> This means we'll ask about how your current plan has worked for you. We look at the supports in your current plan and see whether any changes need to be made to these to help you pursue your goals in your next plan.

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This will help us decide whether these supports continue to meet your needs and the <u>NDIS</u> funding criteria. Learn more about changing your plan.

# How do we use the information we have to work out what reasonable and necessary supports to fund?

We consider all the <u>information we have gathered</u> to decide what reasonable and necessary supports to fund in your plan.

We use the information you give us and follow the steps below:

- Step 1: Identify and describe the supports to be considered. The support will be
  described either generally (known as 'flexible' funding for supports) or specifically
  (known as 'stated supports' or 'fixed' supports).<sup>62</sup>
- **Step 2**: Work out if the support identified and described meets the <u>NDIS funding</u> <u>criteria</u>.
- Step 3: We include the supports that meet the NDIS funding criteria in your plan.

When we approve your plan we make sure all your supports meet the NDIS funding criteria individually and as a package of supports.<sup>63</sup>

# Step 1: How do we describe the types of supports in your plan?

Sometimes we need to describe a specific support to be included in your plan. Or we might include funding more generally within a support category<sup>64</sup>. Where we have included funding in a support category, you can generally choose which supports you buy from that category to meet your disability-related support needs.

Supports we describe generally or specifically must meet the NDIS funding criteria.

We look at all the evidence of your support needs to help us identify what supports to consider in your plan. We use:

- the information you give us when you apply for the NDIS, during a check-in or when you contact us
- any assessments or other information we have

For reassessments we'll look at the supports in your previous plan and check how well they are working for you. For your first plan we use the Typical Support Package to think about what supports we'd usually expect to include in your plan based on your situation and disability support needs.

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When we say support we mean funding for a service, item or equipment you need to help with your disability support needs.

#### We think about:

- what the outcome of the support will be
- how the support helps with your disability
- whether the support meets the NDIS funding criteria.
- whether we need to specifically describe the supports in your plan.

#### How do we describe support in your plan?

We divide your supports into 4 different budgets:

#### Core supports

These supports help you with everyday activities, like help to take part in activities in the community. This budget is mostly flexible so you can use funding from one support category to pay for something in another support category.

#### Capacity building supports

These supports help you build your skills and increase your independence and reduce the need for the same level of support in the future. Your progress and outcomes from these supports will be shared at each plan reassessment. Capacity building supports are stated so you won't be able to use funding from one support category to pay for something in another support category.

#### Capital supports

Includes high-cost assistive technology, equipment, vehicle modifications, home modifications and specialist disability accommodation. Capital supports are stated. You can only use this funding to buy approved individual supports in this support category.

#### Recurring supports

These supports are paid by us on a regular basis, so you don't need to claim for these. Your funding for your recurring supports will be paid regularly to your nominated bank account. This funding is not included anywhere else in your budget and includes mainly transport supports.

Each budget is divided into a number of support categories. Support categories have more detail about what supports you can buy with your funding. We can describe the support categories in your plan as one of the following:

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- Flexible: Under the law for the NDIS, this is when we describe supports in a category
  generally. You have greater flexibility over what disability supports you can buy within
  the description of the support. When we describe your support categories as flexible,
  you can usually choose what supports you buy within the descriptions for each
  support category.
- **Stated**: Under the law for the NDIS, this is when we describe the supports in a support category specifically. It means you must buy supports in the way we have described in your plan.<sup>65</sup> We sometimes call this a fixed support in your plan.

You must act according to your plan, and buy supports according to how we described them in your plan. This means you can't use the funding in your plan to buy supports that fall outside the description of the support in your plan.<sup>66</sup>

We describe most support categories as flexible when we can. You have greater flexibility over the support you can buy in your flexible budgets. When support categories are described as stated, you have less flexibility.

If we describe a support category as stated, you must use the funding in your plan to buy the supports exactly how we describe them. This includes how the support is provided. For example, we will sometimes require the support to be provided:

- by a particular service provider
- by a particular qualified person
- through a particular delivery mode or method, or in a special way.

Your Core supports budget is the most flexible. You can usually use your funding across all the support categories in the Core Supports budget if:

- we described the supports as flexible
- you have the same plan management options for your Core Supports.

When we decide whether to describe supports as stated or flexible, we think about:

- how much the support costs<sup>67</sup>
- if the support will help reduce the cost of other supports over time, <sup>68</sup> for example providing more supports early so you don't need as many supports later in life
- any risks with supplying the support, for example if the support would create risks to your health and safety or if it doesn't comply with state or territory laws<sup>69</sup>
- if you need a particular support to pursue your goals or to use other supports in your plan effectively<sup>70</sup>

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- if you need a specialist support, for example if your support must be delivered by a qualified person, or in a special way<sup>71</sup>
- if you are eligible for the NDIS under the early intervention criteria.<sup>72</sup>

#### When do we describe supports as stated?

We usually describe high-cost supports, or supports with more risk, as stated. For example, we might describe supports as stated if you need to use those particular supports to ensure your health and safety. This includes supports such as:

- high-cost assistive technology
- complex home modifications
- behaviour support, or supports that involve <u>restrictive practices</u> such as restraint
- Specialist Disability Accommodation.

We will also check if you were eligible for the NDIS through the early intervention criteria.<sup>73</sup> If so, we might decide to describe the supports as stated for some types of early intervention supports.<sup>74</sup> If you're not sure whether you met the disability criteria or the early intervention criteria, check the letter we sent you when we decided you're eligible.

#### Example

John just received his first plan. His plan describes support for assistive technology as flexible, including \$2,000 of funding. John can choose what assistive technology to buy with this funding. John talks to his occupational therapist about what assistive technology he should buy with this funding. For example, he could buy a shower chair, or low-cost items like a slip-resistant bathmat.

John's plan also has a fixed support for a wheelchair with special features, and funding of \$8,000. John will need to use this funding for the specific wheelchair we listed on his plan. He can't use this funding for another support, like a shower chair, instead.

#### What if you need a specific provider to provide the support?

Sometimes your plan may say who must provide the support. We do this when you need a certain provider to make sure the supports are delivered safely, or to achieve a certain outcome.

For some supports, you must use an NDIS registered provider. These include:

- Specialist Behaviour Support, if the provider will undertake a behaviour support assessment or develop a behaviour support plan<sup>75</sup>
- supports where it's likely a provider will need to use a <u>regulated restricted practice</u>,<sup>76</sup>
   either interim or ongoing

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- Plan Management
- Specialist Disability Accommodation.

You must use registered providers for these supports even if your plan doesn't say you need to. You must also use registered providers for these supports, even if you self-manage your funding or use a registered plan manager. Learn more about the <u>different plan management options</u>.

For other supports, we'll decide that the support must be provided by a particular person, provider, or delivered in a certain way.<sup>77</sup> We'll do this if it's the most efficient and effective way to provide the support. This only happens when:

- we have an agreement with a particular provider to provide the support<sup>78</sup>
- we decide you must use an NDIS registered provider due to the risks, for example complex home modifications<sup>79</sup>
- you need support from a particular person with specialist qualifications, for example a health professional<sup>80</sup>
- you need support delivered in a certain way.<sup>81</sup>

Sometimes, we'll arrange the support ourselves, if it's more cost effective than getting another provider to deliver the support. For example, we may bulk buy a support.<sup>82</sup> If so, we will state this in your plan.

#### What about in-kind supports?

We agreed that state and territory governments will keep providing some supports for a period of time. We call these 'in-kind supports'.

If we fund in-kind supports like <u>specialist school transport</u> or <u>personal care in schools</u>, you will need to use state or territory government providers for these supports. These supports are most efficiently and effectively provided by state and territory government providers.<sup>83</sup> Learn more about Work and study supports.

For most other in-kind supports, you can choose your provider if you don't want to use your in-kind provider anymore. We can let you choose another provider if we consider that the support isn't most effectively and efficiently provided by the in-kind provider.

We usually let you choose another provider if:

- another provider can give you the same support or level of support as the in-kind provider
- the supports with the new provider still meet the <u>NDIS funding criteria</u>, including that they're value for money compared to the in-kind support

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there are no serious risks with changing providers.

Learn more about in-kind supports.

# Step 2: How do we work out if an identified and described support meets the NDIS funding criteria?

To meet the NDIS funding criteria, a support must meet both the following criteria:

- It must not be a type of support the law says we can't fund or provide.<sup>84</sup>
- It must meet the reasonable and necessary criteria.

Each support must be reasonable and necessary individually, but the supports must also be reasonable and necessary when considered as a package of supports.

#### What types of supports can't be funded or provided under the NDIS?

Under the law for the NDIS, there are things we can't fund or provide.<sup>86</sup> We can't fund or provide supports that:

- are not legal<sup>87</sup>
- are income replacement<sup>88</sup>
- are likely to cause harm to you, or pose a risk to other people<sup>89</sup>
- are not related to your disability<sup>90</sup>
- relate to a 'day-to-day living cost', such as groceries, rent or utilities, that are not attributable to your disability support needs. These are costs that are not caused by or as a result of your disability support needs.<sup>91</sup>
- duplicate other supports provided by the NDIS under alternative funding.<sup>92</sup>

#### Is the support legal?

We can't fund a support if it does not comply with the law. 93 This includes both:

- an Australian government law: a law that applies to all of Australia
- a State or Territory government law: a law that only applies in your state or territory.

For example, we won't be able to fund supports involving:

- a restrictive practice where it's not authorised in your state or territory
- <u>assistive technology</u> or home modifications that don't meet Australian laws, such as State and Territory Acts and Regulations, the National Construction Code, and relevant Australian Standards

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supports for illegal activities, such as support for criminal behaviour or illegal drugs.

While this is one of the NDIS funding criteria, we're not responsible for ensuring your supports are legal. We're not responsible to ensure that all supports in your plan comply with all the relevant legal and administrative requirements. This is your responsibility and your provider's responsibility.

For example, if a support is likely to require the use of a restrictive practice, the provider must be registered with the <u>NDIS Quality and Safeguards Commission</u>.<sup>94</sup> It's the provider's responsibility to ensure they are registered and comply with the conditions of their registration. This includes complying with all laws and seeking the necessary authorisations.<sup>95</sup>

We're not responsible for ensuring the provider is registered and complies with their conditions of registration. You can contact the <u>NDIS Quality and Safeguards Commission</u> if you're concerned about a provider's compliance with legal obligations.

#### Is the support 'income replacement'?

We don't fund income support or income replacement.<sup>96</sup> This means NDIS funding can't replace or add to money you'd usually earn from working, or income payments you get from Centrelink.

For more information and resources on income support, check out <u>income support payments</u> such as the Disability Support Pension.

If you are interested in getting help to find a job, check out <u>Disability Employment Services</u> or NDIS-funded <u>Work and study supports</u>.

#### Is the support likely to cause harm?

We can't fund any supports that are likely to either:<sup>97</sup>

- cause harm to you
- be a risk to other people.

We need to consider this for all supports, such as support workers, therapies or equipment. It also means we won't fund supports that involve a <u>regulated restricted practice</u>, such as restraint, unless it follows the requirements of the <u>NDIS Quality and Safeguards</u> <u>Commission</u>.

To help us decide if the support is likely to cause harm, we may need information from a professional. For example, you may need high cost <u>assistive technology</u>, like a powered wheelchair. If so, we would need a report from an occupational therapist to show that it'll be safe for you to use.

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Of course everything we do in life comes with some risk. We all make our own choices about how much risk we want to take in our lives. You should also be able to choose how much risk you want to take in your life.

So we try to balance this when we decide what we can and can't fund. We can't fund things that are likely to cause harm. But we will try and balance this with enabling you to make your own choices wherever possible.

While this is one of the NDIS funding criteria, you also have some responsibilities. It's still your responsibility and your provider's responsibility to ensure the supports we fund are:

- used correctly
- safe for you
- safe for other people.

You and your provider will also need to manage any risks of harm that arise. For more information, contact the <u>NDIS Quality and Safeguards Commission</u>.

#### Is the support related to your disability?

We can't fund a support if it's not related to your disability.<sup>98</sup> This means there must be a direct link or a connection between your disability and the supports we fund.

We look at whether the support addresses your disability support needs. Your disability support needs are those that arise from, or are caused by, your disability.

For example, we wouldn't usually fund things like:

- standard televisions
- standard household furniture such as dining chairs
- upgrades to assistive technology and home modifications that are not related to disability needs, such as marble tiling or leather materials
- flights to go on a holiday
- a car to get to work because there are no public transport options
- a gym membership to get fit
- a swimming pool to relax in summer.

This is because you're unlikely to need these supports as a result of your disability support needs. They are things that all people, with or without disability, might want or need.

Usually, there won't be a direct link or connection between these things and your disability support needs. Having a disability doesn't usually affect whether someone needs or wants these types of things.

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#### **Example**

Alan needs some changes to his house, so he can use his bathroom and kitchen in his wheelchair. He also wants to set up an outdoor entertainment area for when his friends visit.

We may be able to fund <u>home modifications</u> so he can access areas of his home such as his bathroom or kitchen. He needs the home modifications because he can't access those areas due to his disability and needing to use a wheelchair. Alan needs the support because of his specific disability support needs.

Alan will need to pay for the outdoor entertainment area, as it's not related to his disability. He doesn't need the entertainment area because of his disability. It's just something he would like so he can have his friends over for a barbecue.

#### Is the support related to a 'day-to-day living cost'?

We can't fund supports related to day-to-day living costs that everyone has to pay, and aren't caused by or result from your disability support needs.<sup>99</sup> This means we don't fund things like:

- rent
- groceries
- utilities such as electricity, water, gas and internet bills
- the general cost of owning a home, like renovations, mortgage repayments, repairs and maintenance.

In some situations, we can fund supports related to your day-to-day living costs. We can do this if the costs are attributable to, or caused by, your disability support needs. <sup>100</sup> This means we may fund supports that relate to day-to-day living costs where either:

- you have additional living costs that are solely and directly as a result of your disability support needs<sup>101</sup>
- the living costs are connected to another support that is funded or provided in your plan, and you wouldn't incur that cost if it wasn't in your plan.

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#### **Example**

Nigel has a goal to do his grocery shopping on his own. He needs a shopping basket to attach to his wheelchair to help him carry the items in the supermarket.

Shopping bags and baskets are things we all pay for, whether or not we have a disability. But Nigel only needs this specialised basket for his wheelchair because of his disability support needs.

If it meets the other NDIS funding criteria, we may fund the shopping basket attachment in his plan.

#### Does the support duplicate other supports funded through the NDIS?

We can't fund a support if it duplicates other supports delivered under alternative funding through the NDIS.<sup>103</sup>

For example, if we're providing support through your early childhood partner or local area coordinator, we usually won't fund Support Coordination in your plan.

This is because your early childhood partner or local area coordinator is already funded to provide similar supports. If we funded the same Support Coordination, we would be duplicating a support we're already providing you as general supports.

However if you need extra support, we may be able to fund additional Support Coordination in your plan. We may do this if it's above the amount of support your early childhood partner or local area coordinator are able to provide. Your early childhood partner or local area coordinator will work together with the Support Coordinator to help you connect with supports in your community.

### Does the support meet the reasonable and necessary criteria?

All NDIS supports need to meet all the reasonable and necessary criteria. 104

This means that before we can include an NDIS support in your plan, we need to be satisfied it meets all the following criteria:

- The support will assist you to <u>pursue your goals in your plan</u>.<sup>105</sup>
- The support will <u>assist you to undertake activities</u>, to facilitate your social and <u>economic participation</u>. <sup>106</sup> This means the support will help you to undertake activities, by reducing the disability-related barriers that prevent you from participating in things such as social outings, recreation, work and study.

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- The support represents <u>value for money</u> in that the costs of the support are reasonable relative to both the benefits achieved and the cost of alternative supports.<sup>107</sup> This means we need to consider the costs and benefits of the support, as well as the costs and benefits of alternative supports.
- The support will be, or is likely to be, <u>effective and beneficial</u> for you, having regard to current good practice.<sup>108</sup> This means we consider if there is evidence the support works for someone with similar disability support needs. We won't need an expert report for every support, as we can often rely on other information or evidence. For example, we may have information already about whether the support is widely accepted to suit someone with your disability support needs.<sup>109</sup> We also consider your lived experience.
- The funding of the support takes account of what it is reasonable to expect families, carers, informal networks and the community to provide.<sup>110</sup> This means we need to consider what support is reasonable for your family, friends and community to provide.
- The support is <u>most appropriately funded or provided through the NDIS</u>, and is not more appropriately funded or provided through:<sup>111</sup>
  - other general systems of service delivery, or support services offered by a person, agency or body (for example, a State or Territory Statutory Scheme)
  - systems of service delivery or support services offered as part of a universal service obligation (for example, the health or education system)
  - systems of service delivery or support services offered in accordance with reasonable adjustments required under discrimination laws (for example, your employer, or the health or education system).

The law for the NDIS sets out things that we need to consider when we apply the reasonable and necessary criteria. 112

We must be satisfied that each support is reasonable and necessary individually, but we must also be satisfied that the supports are reasonable and necessary as a package of supports.<sup>113</sup>

For example, a home modification may reduce your need for other supports. If we plan to fund a home modification, we will need to take that home modification into account when considering what other supports are reasonable and necessary, such as the amount of care you need at home.

If the home modification will reduce your care needs, we may need to reduce the amount of care we fund, as a higher amount may not be reasonable and necessary when the whole package of supports is considered.

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#### Does the support help you pursue your goals?

We need to be satisfied that the support will help you pursue the goals, objectives and aspirations in your NDIS plan. 114 This helps us determine if the support is necessary. 115

While we only fund supports that help you pursue your goals, objectives and aspirations, we understand that different people express themselves in different ways.

You are free to choose your own goals and express them in your own words.

Your goals can be big or small, short term or long term, simple or complex. They can be about anything you want to work towards.

You may express your goals broadly, or you may have specific goals. For example, you may express one of your goals as 'living independently'. Someone else may express their goal as 'to have an accessible bathroom'.

Learn more about setting your goals in <a href="Creating Your Plan">Creating Your Plan</a> and the <a href="Setting Goals fact sheet">Setting Goals fact sheet</a>.

Reasonable and necessary supports should help you pursue your goals, 116 but you don't need a specific goal for every support in your plan. When we decide if a support will help you pursue your goals, we consider your whole situation.

We look at how a support will address your disability support needs, and the disability specific barriers that prevent you from pursuing your goals.

A support that addresses your disability related support needs is most likely to help you pursue your goals, objectives and aspirations in your plan.

Setting a goal in your plan doesn't mean we'll provide funding to pursue it. For example:

- setting more and bigger goals doesn't mean we have an obligation to fund more and bigger funded supports in your plan
- setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal
- setting a goal about an explicit type or amount of support you might want doesn't mean we'll fund that support or in that amount.

This is because helping you pursue your goals is only one of the NDIS funding criteria. A support must meet all of the NDIS funding criteria to be funded under the NDIS. So not all supports that help you to pursue your goals will be reasonable and necessary supports.

For example, we only fund reasonable and necessary supports that are value for money, 117 effective and beneficial 118 and relate to disability support needs. 119

This means that if your goal is to 'live independently', we **may** fund home modifications that address your disability related needs. However, we won't fund supports related to day-to

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day-living costs like rent or utilities. These costs aren't incurred solely and directly as a result of your disability support needs, so they don't meet other funding criteria. 120

Also, choosing a different goal 'to have a more accessible home' won't change the supports we could fund in your plan.

Achieving goals usually takes many different kinds of supports. NDIS supports will most likely be just one kind of support that helps you work toward your goals.

Learn more about setting goals.

#### Example

Morgan is ready to look for work and she has a goal in her plan to get a job. She has built up her skills and knows what she wants to do. Disability Employment Services are helping Morgan to find work, so we can't fund this support for Morgan.

However, because of her disability, Morgan will need personal care supports to help her get up and ready for work in the morning. We will consider:

- how Morgan's disability support needs relate to her goals
- whether funding supports that address these disability support needs will help Morgan pursue her goals.

Morgan's planner believes the personal care supports meet this criteria. The supports that address her personal care needs will help Morgan to pursue her employment goals.

However, Morgan's planner then needs to look at whether the support meets the other NDIS funding criteria.

We don't fund all the supports that relate to Morgan's employment goals. We only fund the supports we consider are reasonable and necessary – that is, when they meet all the NDIS funding criteria.

# Does the support help you do activities that will help your social and economic participation?

We need to be satisfied that the support will help you to do activities, which make it easier for you to participate socially and economically.<sup>121</sup>

Social participation means doing things you enjoy, like going out with friends, playing sport or going on holiday. It also means doing the things you need to do, like going to school or medical appointments.

Economic participation usually means being involved in things that help you work towards getting and keeping a job. This might be things like volunteering, study, learning new skills or trying work experience. Research tells us that work can lead to health benefits and improve our quality of life. Learn more about the Health Benefits of Good Work.

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Social and economic participation are important to most people. They are critical to living an ordinary life.

To work out if a support meets this requirement, we look at the purpose of the support and how it will help you.

We fund reasonable and necessary supports that reduce the barriers that prevent you from undertaking activities. This will help you increase your social and economic participation.

Some supports help economic and social participation directly. There are lots of supports we can fund to directly help with social and economic participation. Learn more about <u>Social and</u> recreation supports and Work and study supports.

Other supports help you to undertake activities like self-care, which indirectly help your economic and social participation.

#### Example

Sue is going to university next year. She has a vision impairment, and has been working with her Guide Dog Mobility Instructor to decide if a dog guide is right for her. A dog guide can help her leave her home safely and independently, and travel to and from university.

A dog guide could also help her go out with friends and join in other community activities. As long as it meets the other funding criteria, we could fund a dog guide for Sue. It will help her to undertake activities of daily living.

As a result, it'll increase her social and economic participation. For example, the support will help her get to her university so she can study, and will help her social life.

#### Is the support value for money?

All supports we fund under the NDIS need to be value for money. This means the cost of the support is reasonable, when we consider the benefits of the support and the cost of other supports.

Making sure that your supports are value for money is one of the ways we keep the NDIS financially sustainable. This means we make careful decisions about funding so that we make sure the NDIS exists for future generations. It's also one of our principles.<sup>122</sup>

When we decide if the support is value for money, we consider:

- if other supports would achieve the same result at a substantially lower cost 123 this means there should be a real or material difference in cost
- if there's evidence that the support will substantially improve your life stage outcomes and benefit you in the long term<sup>124</sup>
- if the support will likely reduce the cost of other supports over time<sup>125</sup>

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- how the cost compares to other supports of the same kind in your area<sup>126</sup>
- if the support will make you more independent, and mean you won't need as many supports in future, for example, in some circumstances home modifications may reduce the need for home care.

When we consider the likely cost of supports, we consider the cost over the long term. We consider if the support will help you achieve milestones at different ages or stages of your life and have long term benefits.

For example, some supports such as home modifications may be expensive now, compared to other supports. But getting these supports now may mean you need much less support in a few years, or later in life. Or, it may delay the need for other more costly supports.<sup>127</sup>

When we determine the cost of the support, we consider:

- the prices for NDIS supports in the NDIS Pricing Arrangements and Price Limits supports suggested by the Typical Support Package
- quotes for specific or high risk supports.

It's important we consider the cost of the support. This will be the level of funding we include in your plan, if we decide the support is reasonable and necessary.

When we fund equipment or modifications, we also need to consider: 128

- how the cost of buying the equipment or modifications compares against the cost of renting them
- if it's appropriate to fund the equipment or modifications you want, based on your circumstances and any expected changes in technology.

Learn more about how we consider value for money when we fund <u>assistive technology</u>, home modifications and vehicle modifications.

#### **Example**

Elias needs a shower commode.

He got an assessment and sent us a quote for one that will suit his needs. As part of the process to work out if we can fund it, his planner considers other similar shower commodes.

There's a second commode that's \$5,000 cheaper than the one Elias has asked for. But it won't meet Elias' needs, as it won't provide enough back support. That is, it won't achieve the same result as the one Elias has asked for.

Finally, there's a third commode that's \$1,000 cheaper. The planner contacts his occupational therapist who confirms the cheaper commode will meet Elias' needs.

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Elias' planner decides to fund the commode that's \$1,000 cheaper. It'll deliver the same result at a substantially lower cost.

#### Is the support effective and beneficial?

We need to be satisfied that the support will be, or is likely to be, effective and beneficial, when we consider current good practice.

We need to work out if the support is likely to be both:

- effective it will do what you need it to do 129
- **beneficial** the support will help you do things you can't otherwise do and meets your support needs. 130

It can also be effective and beneficial if it will help you maintain your current level of functioning. That is, it will help you keep doing the things you can currently do. And, it'll help you maintain your work, study and social life as much as you can.<sup>131</sup>

When we decide if a support is effective and beneficial, we look at what is current good practice. This means we look at whether there is evidence that the support works for someone with similar disability support needs to you. We won't need an expert opinion or report for every support, as we can often rely on other evidence.

#### For example:

- We may have information already about whether the support is widely accepted to suit someone with your disability support needs.<sup>132</sup> For example, we could rely on academic research and other literature. This could include university studies on therapies that have been published and <u>refereed</u> in academic journals, evidence based practice resources, or clinical practice guidelines.
- If you or other participants have used the support before, we can consider your experience using the support and the experience of your family members and carers.<sup>133</sup>

We may consider things we have learnt from other participants in the NDIS with similar support needs to you.<sup>134</sup> We know you're the expert in your own life, and we use your own experience as much as we can.

For example, we will talk to you about any supports that have helped you do things you can't otherwise do. Or, some supports may have helped maintain your ability to be as independent as possible.

If it's a new support such as new assistive technology, we might fund a trial. This is so we can learn from your experience of using the support. To check if it's likely to do what you need it to.

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Your evidence can be particularly useful when it's consistent with other evidence, or if we don't have expert evidence.

We'll look at the opinions held by the majority of experts and what they generally agree on.<sup>135</sup> Sometimes we will have to seek expert opinion or report to make a decision.<sup>136</sup>

#### **Example**

Vivek is 12 and has a goal to improve his communication skills. He and his family want him to improve his social skills with the kids in his class.

When he was younger, Vivek's family tried speech therapy, and believe it really helped him improve his communication. His family told his planner about how it helped Vivek learn how to respond to different social settings.

Vivek's speech therapist also believes it could work well for him now, and help him interact with his classmates.

When deciding whether the therapy is effective and beneficial, Vivek's planner will consider:

- how speech therapy has helped Vivek in the past, including first-hand information from Vivek, his family members and carers
- the reports or assessments from his speech therapist on the effectiveness and benefits of speech therapy for Vivek
- other information or expert evidence about the effectiveness and benefits of speech therapy, including for a child of the same age, and with the same impairments and functional capacity.

Based on this information and evidence, Vivek's planner decides the speech therapy is effective and beneficial. If it meets the other funding criteria, we will be able to fund speech therapy in Vivek's plan.

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## Is the support something we would reasonably expect your informal supports, like family or friends, to provide?

We need to be satisfied that funding the support takes into account what is reasonable to expect families, carers, informal networks and the community to provide. 137

To make sure we understand how disability supports might work for you, we consider:

- the things you're able to do for yourself
- any support you have from others in your network including family members, relatives, friends and local community services.

When we fund supports under the NDIS, we have to think about whether it's reasonable to expect your informal supports to provide that support. We can't fund supports that an ordinary person would think is reasonable to expect friends, family or the community to provide for you.<sup>138</sup>

Informal supports are the help and support you get from friends, family and the community. They are called 'informal' because you don't pay for them, and they're not part of a formal agreement. They are the usual things friends and family do for us, and with us.

Most of us get some kind of help and support from friends and family. In our society, we expect that friends, family and our community will support each other and help each other out when they need it.

A good example is families who have young children. In our community, we expect families will provide most of the support a young child needs. They will change a child's nappy, make sure they are safe and drive them around places.

Grandparents, uncles and aunties often have a role to play in supporting young children as well. Neighbours and friends might also help care for the child.

As a child gets older, our society's expectations of the role of the family and community in caring for the child changes. For example, we expect schools to help support the child's learning needs.

We also usually expect the role of family in providing personal care for a child would reduce as they get older and develop new skills and independence. But families are usually still responsible for things like food, emotional support, decision-making and providing a safe home.

It's a similar idea for adults. Our society expects that adults – like family, friends and neighbours – will provide some support to each other. This might be things like taking a friend with you to the football game, or providing emotional support if someone is upset.

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NDIS supports won't ever replace the support people like your friends and family provide to you. This support is given freely because people care, and is often quite different to supports bought with NDIS funding.

You have a special bond with your friends and family that's different from your relationship with paid carers. And there are potential risks and problems for you if your friends and families become your paid carers.

To make sure we understand how disability supports might complement your circumstances, we consider:

- the things you are able to do for yourself
- any support you have from others in your network including family members, relatives, friends and local community services.

We also have to consider the benefits you may get from your informal supports. For example, your family and friends may be more effective at helping you meet other people, or helping to build your social skills, than paid supports can.

We consider if we can help these relationships so that you get the support you need.<sup>140</sup> For example, we may be able to fund training for your informal supports, so they can help you build your skills.

We also think about the capacity of your informal supports to continue caring for you, for example if they're ageing or sick.

There are different things the law for the NDIS says we need to consider for adults and children.

**If you're under 18**, we consider what support is reasonable to expect parents to provide at your age. It's normal for parents to provide substantial care and support for children. We consider that it's usual for parents to provide almost all the care and support that young children need.

For example, it's reasonable to expect parents to provide transport to and from their child's after-school activities. Of course, the amount of care and support for a child without a disability would typically reduce as they get older.

For children under 18, we consider:

- if your needs are 'substantially greater' because of your disability, compared to other children the same age<sup>142</sup> that is, you need much more disability support
- any risks to the wellbeing of people providing informal support to you<sup>143</sup>
- if including funding for the support will help build your skills and capacity in the future, or reduce any risks to you.<sup>144</sup>

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For example, we consider any health, safety or other impacts resulting from what's involved in meeting your disability support needs.

#### If you're over 18, we consider:

- if there are any risks to you or your informal supports if you rely on them to provide the support you need<sup>145</sup>
- how much your informal supports would help improve or reduce your independence and other outcomes.<sup>146</sup>

We also consider the suitability of informal supports to provide the supports you need, <sup>147</sup> including:

- how old your carers are and their capacity to provide the support<sup>148</sup>
- if other family members and the community can help your informal supports in their caring role<sup>149</sup>
- the intensity and type of support you need, and if it's appropriate for your informal supports to provide this, based on their age and gender<sup>150</sup>
- any long-term risks to the wellbeing of your informal supports.<sup>151</sup>

When we consider the risks for people over 18, we consider if the supports are sustainable for your informal supports. We consider the health, safety and other impacts on family and carers in the long term.

For example, we wouldn't expect a child to have their schooling affected because they need to provide care. We also wouldn't expect an elderly parent to be responsible for physical activities, if it may result in injury.<sup>152</sup>

We generally don't fund family members to provide supports funded under the NDIS. There are very limited situations where we can consider this.

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Learn more about <u>Sustaining Informal Supports</u>.

#### Example 1

Simon is getting his first NDIS plan. For the last 15 years, Simon and his wife Jan's preference was that Jan provide all the physical support he needs at home, such as toileting and showering.

But as Jan is getting older, it's not safe for her to keep lifting Simon. It's becoming risky for her to keep providing this support.

Jan and Simon think it might be best for someone else to provide the personal care support that Simon needs. Their children have moved out of home, and it's not reasonable to expect them to help Simon with personal care.

Based on this information and other evidence, Simon's planner decides that the personal care support meets this criteria. It takes into account what is reasonable for his family and others to provide. If the personal care support meets the other funding criteria, we may fund the personal care support for Simon.

Simon and Jan still prefer Jan to do the other support Simon needs though, such as helping Simon eat his meals. At this time, we wouldn't fund a support worker in Simon's plan to help him eat his meals. It's reasonable to expect Jan to help Simon with this, as it's what they want to do and it's not a safety risk for Jan.

#### Example 2

Qing is 14 and wants to join a local footy club. Like most 14 year old's in this situation, she needs someone to drop her off and pick her up from the Saturday matches and the weeknight training sessions.

But unlike most 14 year old's, she needs someone to help her get dressed before she can go to the match. Her parents have been doing this, but as Qing is getting older she no longer wants her family to help her get dressed.

It's reasonable to expect her family or other informal supports to drop Qing to and from the match and training sessions. So we wouldn't fund transport in Qing's plan.

But at age 14, it's not reasonable to expect her family to help her get dressed.

Based on this information and other evidence, Qing's planner finds that the personal care support takes into account what is reasonable for family and others to provide. If it meets the other funding criteria, we may fund personal care support in her plan.

Is the support more appropriately funded or provided through the NDIS, and not through other service systems or support services?

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We have to be satisfied that the support is most appropriately funded or provided through the NDIS. This means it's not more appropriately funded or provided through:

- other general systems of service delivery, or support services offered by a person, agency or body (such as a State or Territory Statutory Scheme)
- systems of service delivery or support services offered as part of a universal service obligation (such as the health or education system)
- systems of service delivery or support services offered in accordance with reasonable adjustments required under discrimination laws (such as your employer, or the health or education system).<sup>153</sup>

In short, we won't fund the support if it should be provided by someone else.

We won't fund the support if the support should be provided by someone else, even if the other service system doesn't actually provide it. We're not the funder of last resort, so we don't make up for other organisations and systems that don't provide the supports they should.

The law for the NDIS sets out a number of things we need to consider, when we decide who is most appropriate to fund or provide of the support.<sup>154</sup> There are different things we consider for the following service systems:

- (a) Health
- (b) Mental health
- (c) Child protection and family support
- (d) Early childhood development
- (e) School education
- (f) Higher education and vocational education and training
- (g) Employment
- (h) Housing and community infrastructure
- (i) Transport
- (j) Justice.

#### How does the NDIS work with other government services?

We call supports provided by other government services, including those provided as part of a universal service obligation, 'mainstream supports'. When we talk about mainstream supports, we mean supports available to everyone in your state or territory, or across Australia, regardless of whether or not you have a disability.

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This includes services provided by state and federal governments, like health care, education and mental health services.

You have the same right as all Australians to access these services. There are certain things that mainstream services have to do to make their services accessible for people with disability. Using mainstream supports can also help you be part of your community, or to work or study.

When we fund NDIS supports, we need to check that the support is not more appropriately funded or provided by a mainstream service or system, such as the education system or health system.<sup>155</sup> Under the law for the NDIS, we can't fund supports that should be provided by a mainstream service.

The Australian federal, state and territory governments agreed on responsibilities for funding different types of supports. The law for the NDIS has an outline of funding responsibilities and were developed with the agreement of each State and Territory.<sup>156</sup>

We can only fund supports that are the responsibility of the NDIS. We can't fund supports that are the responsibility of other government services, even if they don't actually fund or provide the support. The law for the NDIS sets out the matters we should consider when we decide who is more appropriate to provide or fund a support. 157

Learn more about how we decide if the support is best funded or provided by us or another part of government.

The <u>Applied Principles and Tables of Support</u> also has information on what the governments agreed are the responsibilities of the NDIS and other government services. However, it doesn't override what we consider when we decide if the support is most appropriately funded by the NDIS.<sup>158</sup>

#### What is reasonable adjustment and why is it important?

People with a disability can sometimes face barriers that make it harder to do the same things as people who don't have a disability. For example, it might be harder to find and keep a job. Or it might be harder to get in and around places, or to get the same services as other people.

It's against the law to discriminate against people with a disability in many areas. This includes in employment, when providing goods and services, and when accessing public places.

This means organisations or people who are responsible for providing these services have to make what are called 'reasonable adjustments'. They have to make sure people with a disability have equal access to the services they provide, as far as is reasonable.

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They have to do reasonable things that will make their services equally available to everyone, whether or not you have a disability.

Reasonable adjustments do not mean they have to provide everything you need because of your disability. It means they have to do what's reasonable to make sure you have equal access to employment, public spaces or services. This takes into account what they can afford to do and what is reasonable to expect them to provide in the circumstances.

When we decide what supports to include in your plan, we need to consider what should be provided through reasonable adjustments. Under the law for the NDIS, we can't fund a support if it should be provided by someone else through reasonable adjustments.

# What else do you need to know about working out if supports meet the NDIS funding criteria?

From our experience, we learned there are some common misunderstandings about how we work out what supports meet the NDIS funding criteria.

#### Why don't we always fund what your health professionals recommend?

Although we take expert opinions into account, we can't and don't always fund everything your health professional might recommend. This is because every support we fund needs to meet all the NDIS funding criteria.

For example, your therapist might recommend a piece of equipment on the basis that it will be 'effective and beneficial' for you. But if there is something cheaper that will achieve the same outcome, we won't be able to fund what the therapist recommended.

This is because it won't be <u>value for money</u>. We may be able to fund the cheaper option instead if it meets all the <u>NDIS funding criteria</u>.

#### Why don't we fund the same supports as your last plan?

We might fund different supports in your next plan. This is because we will fund supports in your plan based on how we use the NDIS funding criteria at that point in time.

Your needs and situation will most likely change over time. This means it's likely your NDIS supports and funding for those supports will change over time.

For example, we may have funded supports to help you build your skills in a particular area. Once you have built those skills, you won't need funding for that anymore. So, we probably won't include that funding for those supports in your next plan.

Supports to build your skills may have met the NDIS funding criteria before, but the same supports might not meet the criteria in future.

Or, your disability support needs might increase or decrease over time. This may mean we consider funding more or less supports as a result.

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#### What happens if you don't use all your funding in your NDIS plan?

We will consider how you have used your NDIS funding to help us work out what supports meet the NDIS funding criteria in your next plans.

If you haven't used all the funding by the end of your plan, it doesn't mean we'll reduce the funding in your next plan. There may be very good reasons why you weren't able to buy the supports we funded.

When we reassess your plan, we'll talk about any problems you had buying the supports funded in your plan. We'll also see how we can help you use your funding if we need to.

But if you consistently don't buy all the supports we fund and use all of your NDIS funding, we need to think about whether the supports really do meet the NDIS funding criteria. For example, they may not be 'effective and beneficial' for you if you're not actually using them. We will talk to you about this when we reassess your plan.

Learn more about changing your plan

# Step 3: How do we include the reasonable and necessary supports in your plan?

Once we've identified the supports, and decided they meet the NDIS funding criteria, we can include the description and funding for the support in your plan.

If the support doesn't meet the NDIS funding criteria, we can't include the support in your plan. We may consider if a differently described support meets the NDIS funding criteria instead.

When we approve your plan we will also make sure all your supports are reasonable and necessary when considered as a package of supports.<sup>160</sup>

Sometimes you might not need any supports under the NDIS. For example, your informal supports may meet all your disability support needs. If so, we'll approve a plan with no funded supports.

Learn more about how we create and approve your plan.

Learn more about using the funding in your plan.

# What happens if we don't include the supports you want?

If we decide a support doesn't meet the <u>NDIS funding criteria</u>, we can't include the support in your plan. Also, if the amount of support you want doesn't meet the criteria, we can't include that amount in your plan.

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But, we're committed to <u>our principles</u> and helping you live an <u>ordinary life</u>. Even if we can't fund a particular support we may still be able to help.

If the support doesn't meet the NDIS funding criteria, we can consider if a different support meets the NDIS funding criteria. We might be able to consider describing the support differently, or funding a different type of support.

Or, we may be able to connect you to mainstream or community supports that can help. Mainstream and community supports are available to everyone. They can be a good way to connect with your local community, learn new skills and gain independence.

There are lots of ways we might be able to help, so talk to us if you're in this situation. We can do this at any time. We may be able to help before we approve your plan.

We'll give you the reasons for our decision to approve your plan in writing. 161 You can contact us if you'd like more detail about the reasons for our decision.

If you don't agree with the supports we approve in your plan, you can ask for an internal review of our decision. <sup>162</sup> You'll need to ask for an internal review within 3 months of getting your plan. <sup>163</sup> <sup>164</sup>Learn more about <u>internal and external review of decisions</u>.



### **Reference List**

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<sup>1</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants)
Rules and NDIS (Plan Management) Rules.
<sup>2</sup> NDIS (Supports for Participants) Rules r 5.1(b).
<sup>3</sup> NDIS Act s34(1)(a).
<sup>4</sup> NDIS Act s34(1)(b).
<sup>5</sup> NDIS Act s34(1)(c).
<sup>6</sup> NDIS (Supports for Participants) Rules r 3.1(c).
<sup>7</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a).
<sup>8</sup> NDIS Act s34(1)(d).
<sup>9</sup> NDIS Act s34(1)(e).
<sup>10</sup> NDIS Act s34(1)(f).
<sup>11</sup> NDIS Act s34(1)(f).
<sup>12</sup> NDIS (Supports for Participants) Rules part 5.
<sup>13</sup> NDIS (Supports for Participants) Rules r 5.1(a).
<sup>14</sup> NDIS (Supports for Participants) Rules r 5.1(b).
<sup>15</sup> NDIS (Supports for Participants) Rules r 5.1(c).
<sup>16</sup> NDIS (Supports for Participants) Rules r 5.1(d).
<sup>17</sup> NDIS (Supports for Participants) Rules r 5.3(a).
<sup>18</sup> NDIS (Supports for Participants) Rules r 5.3(b).
<sup>19</sup> NDIS Act s34(1)(f).
<sup>20</sup> NDIS Act s118(1)(b).
<sup>21</sup> NDIS Act s4(17)
<sup>22</sup> NDIS Act s33(2).
<sup>23</sup> NDIS Act s33(5)(a).
<sup>24</sup> NDIS Act s34(1)(a).
<sup>25</sup> NDIS Act s34(1)(d).
<sup>26</sup> NDIS (Supports for Participants) Rules r 4.1(d).
<sup>27</sup> NDIS Act s34(1).
<sup>28</sup> NDIS Act s34(1)(d); NDIS (Supports for Participants) Rules, r 3.2-3.3.
<sup>29</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1.
<sup>30</sup> McGarrigle v National Disability Insurance Agency (2017) 252 FCR 121 at [88].
<sup>31</sup> NDIS Act ss 33(2)(a), 33(2)(b), 33(5)(c), 34.
<sup>32</sup> NDIS Act ss 13, 33(2)(a).
33 NDIS Act ss 33(2)(b), 34.
<sup>34</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants)
Rules and NDIS (Plan Management) Rules.
<sup>35</sup> NDIS Act ss 33(2)(b), 34; NDIS (Supports for Participants) Rules.
<sup>36</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3.
<sup>37</sup> NDIS (Supports for Participants) Rules pt 5.
<sup>38</sup> NDIS Act s 34(1).
<sup>39</sup> NDIS (Supports for Participants) Rules r 2.4; NDIS Act s 33(5)(c).
<sup>40</sup> NDIS Act ss 4, 31.
<sup>41</sup> NDIS Act s 4(1).
<sup>42</sup> NDIS Act s 4(2).
<sup>43</sup> NDIS Act s 4(4).
<sup>44</sup> NDIS Act s 4(8).
<sup>45</sup> NDIS Act s 4(10).
<sup>46</sup> NDIS Act s 4(17).
<sup>47</sup> NDIS Act s 4(11).
<sup>48</sup> NDIS Act s 33(5)(a); NDIS (Supports for Participants) Rules r 4.1(a).
<sup>49</sup> NDIS (Supports for Participants) Rules r 4.1(a).
<sup>50</sup> NDIS (Supports for Participants) Rules r 4.1(b).
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<sup>51</sup> NDIS (Supports for Participants) Rules rr 4.1(b), (d).
<sup>52</sup> NDIS (Supports for Participants) Rules r 4.1(c).
<sup>53</sup> NDIS Act s 33(5)(b).
<sup>54</sup> NDIS Act ss 36, 50.
<sup>55</sup> NDIS (Supports for Participants) Rules rr 4.2-4.6.
<sup>56</sup> NDIS Act s 33(1).
<sup>57</sup> NDIS Act s 47(1).
<sup>58</sup> NDIS (Supports for Participants) Rules r 4.1(d).
<sup>59</sup> NDIS Act s 34(1)(a).
60 NDIS Act s 34(1)(a).
61 NDIS Act s 33(5)(f).
<sup>62</sup> NDIS Act s 33(3) and NDIS (Plan Management) Rules.
63 NDIS Act s 33(5)(c).
64 NDIS Act s 33(3).
<sup>65</sup> NDIS Act s 33(3); (NDIS (Plan Management) Rules r 6.3.
66 NDIS Act s 46(1).
<sup>67</sup> NDIS Act (Plan Management) Rules r 6.4(a).
<sup>68</sup> NDIS (Plan Management) Rules r 6.4(b).
<sup>69</sup> NDIS (Plan Management) Rules r 6.4(c).
<sup>70</sup> NDIS (Plan Management) Rules r 6.4(d).
<sup>71</sup> NDIS (Plan Management) Rules r 6.4(e).
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<sup>73</sup> NDIS (Plan Management) Rules r 6.4(f).
<sup>74</sup> NDIS (Plan Management) Rules r 6.4(f).
<sup>75</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(3).
<sup>76</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(2).
<sup>77</sup> NDIS (Plan Management) Rules rr 6.6-6.7.
<sup>78</sup> NDIS (Plan Management) Rules r 6.6.
<sup>79</sup> NDIS (Plan Management) Rules r 6.7.
80 NDIS (Plan Management) Rules r 6.7.
81 NDIS (Plan Management) Rules r 6.7.
82 NDIS (Plan Management) Rules r 6.5.
83 NDIS (Plan Management) Rules r 6.6.
<sup>84</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules pt 5.
85 NDIS Act s 34(1).
<sup>86</sup> NDIS (Supports for Participants) Rules r 5.
<sup>87</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3(a).
88 NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3(b).
89 NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(a).
<sup>90</sup> NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(b).
<sup>91</sup> NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(d).
<sup>92</sup> NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(c).
<sup>93</sup> NDIS (Supports for Participants) Rules r 5.3(a).
94 NDIS (Provider Registration and Practice Standards) Rules 2018 r 7(2).
95 NDIS Act s 73F(2)(a).
<sup>96</sup> NDIS (Supports for Participants) Rules r 5.3(b).
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<sup>100</sup> NDIS (Supports for Participants) Rules r 5.1(d).
<sup>101</sup> NDIS (Supports for Participants) Rules r 5.2(a).
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<sup>104</sup> NDIS Act ss 33(5)(c), 34(1).
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<sup>105</sup> NDIS Act s 34(1)(a).
<sup>106</sup> NDIS Act s 34(1)(b).
<sup>107</sup> NDIS Act s 34(1)(c).
<sup>108</sup> NDIS Act s 34(1)(d).
<sup>109</sup> NDIS (Supports for Participants) Rules r 3.2(a).
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<sup>112</sup> NDIS (Supports for Participants) Rules pts 3, 4.
<sup>113</sup> NDIS Act s 33(5)(c).
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115 McGarrigle v National Disability Insurance Agency (2017) 252 FCR 121 at [91].
<sup>116</sup> NDIS Act s 34(1)(a).
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<sup>121</sup> NDIS Act s 34(1)(b).
<sup>122</sup> NDIS Act ss 3(3)(b), 4(17).
<sup>123</sup> NDIS (Supports for Participants) Rules r 3.1(a).
<sup>124</sup> NDIS (Supports for Participants) Rules r 3.1(b).
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<sup>126</sup> NDIS (Supports for Participants) Rules r 3.1(e).
<sup>127</sup> NDIS (Supports for Participants) Rules r 3.1(c).
<sup>128</sup> NDIS (Supports for Participants) Rules r 3.1(d).
<sup>129</sup> McCutcheon and NDIA [2015] AATA 624 at [34].
<sup>130</sup> McCutcheon and NDIA [2015] AATA 624 at [34].
131 McCutcheon and NDIA [2015] AATA 624.
<sup>132</sup> NDIS (Supports for Participants) Rules r 3.2(a).
<sup>133</sup> NDIS (Supports for Participants) Rules r 3.2(b).
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<sup>137</sup> NDIS Act s 34(1)(e).
<sup>138</sup> NDIS Act s 34(1)(e).
<sup>139</sup> NDIS (Supports for Participants) Rules r 3.4(a)(i).
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<sup>141</sup> NDIS (Supports for Participants) Rules r 3.4(a)(i).
<sup>142</sup> NDIS (Supports for Participants) Rules r 3.4(a)(ii); JQJT and National Disability Insurance Agency [2016]
AATA 478 at [39].
<sup>143</sup> NDIS (Supports for Participants) Rules r 3.4(a)(iii).
<sup>144</sup> NDIS (Supports for Participants) Rules r 3.4(a)(iv).
<sup>145</sup> NDIS (Supports for Participants) Rules rr 3.4(b)(i), (ii).
<sup>146</sup> NDIS (Supports for Participants) Rules r 3.4(b)(iii).
<sup>147</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii).
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<sup>149</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(A).
<sup>150</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(B).
<sup>151</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).
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153 NDIS Act s 34(1)(f).
<sup>154</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7 and Schedule 1.
<sup>155</sup> NDIS Act s 34(1)(f).
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<sup>157</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1.
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<sup>&</sup>lt;sup>158</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1.

Disability Discrimination Act 1992 (Cth); Discrimination Act 1991 (ACT); Anti-Discrimination Act 1977 (NSW);
 Anti-Discrimination Act 1996 (NT); Anti-Discrimination Act 1991 (Qld); Equal Opportunity Act 1984 (SA); Anti-Discrimination Act 1998 (Tas); Equal Opportunity Act 2010 (Vic); Equal Opportunity Act 1984 (WA).
 NDIS Act s 33(5)(c).

<sup>&</sup>lt;sup>161</sup> NDIS Act s100(1).

<sup>&</sup>lt;sup>162</sup> NDIS Act s100.

<sup>&</sup>lt;sup>163</sup> NDIS Act s100(2).



# **Creating your plan**

**Quick summary:** We will work with you to create your plan. We'll have a conversation with you to help us decide what supports to fund in your plan. We'll also work with you to decide who will manage your funding, and when we'll change your plan.

**Note:** When we say 'your plan' we mean your NDIS plan. If you're looking for information about community connections, go to <u>Our Guideline – Community Connections</u>.

If you're looking for information about your child's early connections, go to <u>Our Guideline – Early Connections</u>.

# What's on this page?

#### This page covers:

- What principles do we follow to create your plan?
- What is an NDIS plan?
- How do we create your plan?
- How do we decide what supports to include in your plan?
- What are your options for managing your funding?
- How long will your plan go for?
- When will we approve your plan?
- What happens once you have your plan?
- Appendix A: Plan duration guidance

#### You may also be interested in:

- Applying to the NDIS
- Your plan
- Changing your plan
- Reviewing our decisions



# What principles do we follow to create your plan?

The NDIS was set up as a world first approach to disability support. It puts people with disability at the centre of decision-making, through the principles of reasonable and necessary supports and individual choice and control.

As an insurance-based scheme, we take a lifetime approach to a participant's support needs. We provide assurance to people with permanent and significant disability or developmental delay, and to people who might acquire disability or developmental delay, that they will get the support they need. Individual funding means we help participants to purchase services and supports from a competitive and consumer-driven marketplace.

#### What supports can we fund?

NDIS supports should complement, not replace, other supports available to you. That's why we consider:

- the things you're able to do for yourself
- support you have from others in your network, including family members, relatives, friends, local community services and mainstream government services.

One of our aims is to help maximise your independence by working with the local mainstream government and community services that help you live an ordinary life. We all do best when we're connected to our communities.

And as an active consumer, it's important you are able to shop for and access providers who meet your needs. We can help you find providers who meet your needs.

Once we've considered your circumstances, we need to follow the rules determined under the law for the NDIS in our planning decisions. We fund supports that are reasonable and necessary.

This means we will only fund a support if it meets **all** of the following criteria:

- the support is related to your disability<sup>2</sup>
- the support will help you pursue your goals and aspirations<sup>3</sup>
- the support will help you undertake activities that will increase your social and economic participation<sup>4</sup>
- the support is value for money,<sup>5</sup> which means that the costs are reasonable:
  - when compared to the benefits to be achieved, for example, whether purchasing the support is likely to reduce the cost of funding other supports in the long term<sup>6</sup>

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- when compared to alternative options that may provide you with the same outcome at a similar or lower cost<sup>7</sup>
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence<sup>8</sup>
- the support is required to complement the informal supports you have available, by considering what is reasonable for families, carers, informal networks, and the community to provide<sup>9</sup>
- the support is most appropriately funded or provided by the NDIS<sup>10</sup>
- the support is not more appropriately funded by another service system, agency, person, or body, such as the education system or the health system.<sup>11</sup> We can't fund a support if it's the responsibility of another service system.

#### What supports don't we fund?

We do not fund a support if:12

- it is likely to **cause harm** to you or others<sup>13</sup>
- it is not related to your disability<sup>14</sup>
- it duplicates other supports delivered by the NDIS<sup>15</sup>
- it is considered a day-to-day living cost (for example, rent, groceries or utility costs like your water bill) that are not attributable or caused by your disability support needs<sup>16</sup>
- providing the support would be against the law<sup>17</sup>
- it consists of income replacement<sup>18</sup>
- it is the responsibility of other service systems to provide (for example, your state government, the education system, or the health system).<sup>19</sup> These different systems have different responsibilities and are designed to complement each other to form a government safety net. Like all Australians, NDIS participants continue to have access to these systems. We can't fund a support if it's the responsibility of another service.

# How do we manage the financial sustainability of the NDIS?

The NDIS is an insurance scheme, and one of our core functions is to manage the financial sustainability of the Scheme.<sup>20</sup>

When we make decisions about the supports we fund in your plan, we must also consider our need to ensure the **financial sustainability of the NDIS**.<sup>21</sup> This means we must work

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within our funding budget, set through agreements between the Australian, and State and Territory governments.

It's also important to know the NDIS is only one part of the broader National Disability Strategy that supports people living with disability. The overall success and sustainability of the National Disability Strategy relies on:

- people accessing their informal support network to get the help they need from dayto-day
- people using their personal income to pay for their day-to-day living expenses, as is expected of all Australians
- mainstream and community services being available from state and territory governments, and other federal government programs such as Medicare
- a fair distribution of NDIS supports to those who need them, provided within our funding budget.

Staying within our budget ensures the NDIS will be here to support generations of Australians and their families.

#### What principles do we use to create your plan?

We use the following 7 principles, to create plans that help you get the reasonable and necessary supports you need, and to make sure the Scheme is financially sustainable:

- Fair for everyone, both today and for future generations
- Fair funding to pursue your goals
- Evidence-based best practice
- Fair early investments
- Fair support across service systems
- Fair supports for your disability needs
- Fair assistance from multiple programs

#### Fair for everyone, both today and for future generations

While we need to consider your individual circumstances and disability needs, we also need to make consistent decisions and treat people fairly.

This means participants with similar circumstances and disability needs should receive similar amounts of supports in their plans. We also need to ensure the total cost of all participant plans are within the overall NDIS budget set by governments.

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Each support in your plan must be reasonable and necessary. They also need to be reasonable and necessary as a package of supports. We approve your whole plan, not the individual supports in your plan in isolation.<sup>22</sup> Information about what supports we'd usually include in your plan helps guide this process.

This information also helps to guide the consistency of our decision-making process. We use it to check your overall plan and make sure all your supports make sense together. We'll check your support types and amounts will complement each other to help you fulfil an ordinary life.

We may then increase or decrease the funding in your plan based on:

- information you share with us
- any reports or other information we have
- applying the <u>NDIS funding criteria</u>.

This helps keep the system fair for everyone, and ensure we remain financially sustainable.

#### Fair funding to pursue your goals

Goals are important.<sup>23</sup> The supports we fund need to help you maximise your independence and pursue your goals.<sup>24</sup> This means your supports should help overcome any disability-specific barriers which may be stopping you from pursuing your goals.

This doesn't mean we fund all support costs associated with you pursuing your goals. Also, you may have goals and aspirations we can't fund supports for. This is because helping you pursue your goals is only one of the NDIS funding criteria, so not all supports that help you to pursue your goals will be reasonable and necessary.

Other things to know about when setting your goals:

- Setting more goals or bigger goals doesn't mean we'll provide more funding or fund more supports. For example, if your goal is to live independently in a house with a swimming pool, we may fund home modifications that address your disabilityrelated needs. This might be a home modification to make your bathroom accessible.
  - We won't fund the swimming pool because this isn't related to your disability support needs. The funding in your plan might be similar to someone else who has a goal of 'to have a more accessible bathroom'.
- 2. Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal. For example, if your goal is to get a gym membership to get fit, we wouldn't usually fund this. Gym memberships are things that all people, with or without disability, might want or need.

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3. Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or provide that amount of funding. For example, you may tell us your goal is 'to get a top model shower commode' and you show us the one you want costs \$4,000.

If there is a shower commode that costs \$3,000, and your occupational therapist confirms this one will meet your needs, we are more likely to fund this one instead because it is likely to deliver the same result at a lower cost. We may also look at alternatives.

#### **Evidence-based best practice**

We only fund supports that will be, or are likely to be, effective and beneficial for you, having regard to current good practice.<sup>25</sup> This means we consider if there is evidence that the support is effective and beneficial for someone with similar disability support needs.

For example, we may already have information about whether the support is widely accepted to suit someone with your disability support needs.<sup>26</sup> The primary source of evidence we rely on, and give the greatest weight to, is evidence from sources that are reliable and widely recognised. This includes published and refereed literature, and any consensus of expert opinions. If there is no evidence to show a support is reasonable and necessary,<sup>27</sup> we won't fund the support.

You can find the types of evidence we need on our website, and in Our Guidelines.

#### Fair early investments

Having access to capacity-building supports early in your NDIS journey is considered to be an early investment. This early investment is intended to help increase your independence and reduce your reliance on NDIS funding over time.

This is an important concept we consider when we create your plan, and again at future plan reassessments. When we reassess your plan, we reassess all the supports you require to meet your disability support needs at that time.

Over time, your capacity building supports may no longer be reasonable and necessary, in regard to any of the following:

- your current functional capacity
- the effectiveness of the capacity building supports<sup>28</sup>
- value for money.<sup>29</sup>

When we say functional capacity we mean the things you can and can't do for yourself.

Your overall funding amount could go down from one plan to the next. This may be because you no longer need the same type or amount of supports, such as capacity building

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supports. Also, if the capacity building investment has been successful at building your independence, then your need for other supports may also decrease. For example, as you develop your skills you may not need as many Core supports.

So other things being equal, you should expect your overall plan value to reduce over time as the benefits of capacity building are realised.

#### Fair support across service systems

The support you need may be the responsibility of another government service, like education or health. We don't fund these services. We need to think about the supports you should receive from these services when we determine the supports in your plan.

#### Fair supports for your disability needs

When we make decisions about which supports we can fund, we consider whether a support is reasonable and necessary for you and apply the <u>NDIS funding criteria</u>. Sometimes, you might ask for supports to help with impairments that were not part of your Access eligibility assessment. When this happens, we need to make sure the support will help you address the needs that arise from an impairment that meets the same eligibility requirement we consider at Access.

You don't need to make a new Access request if you ask for supports to help with an impairment which was not part of your Access eligibility assessment. We'll work out if you need the support to address an impairment which would meet our eligibility requirements. We may ask you to provide evidence to help us work this out. We will decide if the requested support is reasonable and necessary. We'll apply the NDIS funding criteria based on the impairments which meet our eligibility criteria.

We fund the right disability supports for your permanent impairments which meet our Access criteria. By doing this we make sure the system is fair for everyone, and the NDIS remains financially sustainable.

#### Fair assistance from multiple programs

NDIS funding can't duplicate other funding or supports you may receive due to your disability.

For example, you may have received a lump-sum payment or receive regular payments as a form of compensation for an accident. Or, you may be receiving ongoing supports from another program or insurance scheme, for example Work safe, Lifetime Care and Support or the Transport Accident Commission.

We don't duplicate this funding, or these supports. We may reduce the total value of your NDIS plan to account for compensation you receive, or we may not fund certain supports.

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# What is an NDIS plan?

Once you're an NDIS participant, we will work with you to create your NDIS plan. You can find out more about how to become a participant in <u>Applying to the NDIS</u>.

Your NDIS plan sets out your goals and the supports that will help you pursue those goals. We create your plan based on the support needs directly related to your disability. Your plan will be just for you. You can have as many goals as you want in your plan, and they can be as long as you want.

Your plan will include information about:30

- you and your living situation
- your goals, or things you want to work towards
- who supports you, for example your family, friends, community, and other government services
- any NDIS supports we fund
- how you can use your NDIS funding
- who will manage your NDIS funding
- when we'll change your plan.

This guideline is about how we make decisions when we create your plan

# How do we create your plan?

We create your plan based on your individual situation and disability support needs. We'll use the information you give us about your lived experience, and the evidence you give us about how your disability impacts your day-to-day life. We will:

- get to know you and discuss your situation
- think about what supports community and other government services can provide to help you pursue your goals and live as independently as possible
- think about if you need any NDIS funded supports, and if they meet the <u>NDIS funding</u> <u>criteria</u>
- ask for further information about your support needs if we need to
- meet with you to approve your plan
- send your plan to you.

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You can ask other people to help you if you want to. For example, you can have friends, family or an advocate join any conversation we have with you. They can also help you make your own decisions about your plan.

If you need someone else to make decisions for you about your NDIS plan, we can help you set this up. This may be:

- a <u>plan nominee</u> if you're an adult
- a child representative if you're under 18 years old.

We'll create your plan within 21 days after you become an NDIS participant.

#### What can you expect from us when we create your plan?

We'll create a plan that will:31

- be personalised and directed by you
- respect the role of family, carers and other people who are important to you
- build the capacity of families, carers, and your community to support you, where appropriate
- consider the support your friends and family provide, and the support services available to everyone in the community
- respect your right to have control over your life and make your own choices
- help you participate in the community, and help you study or find and keep a job, if you want to
- focus on choice and flexibility when it comes to your goals, needs and your supports.

#### What information do we look at?

The information you give us helps us decide what NDIS funded supports to include in your plan.

#### We look at:

- the information you gave us when you talked to us about applying to the NDIS
- any support you may get through community connections
- any reports from your doctors or allied health professionals
- other assessments you give us, for example from other government agencies or disability service providers
- other relevant information we have about your support needs

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any other information you give us, including about your lived experience.

To learn about your life and the supports you need, we'll also look at:

- your goals
- where you live, and your living arrangements
- how you move around your home and your community
- who supports you now, like your family, friends, or service providers
- support available from community and other government services to help you learn new skills and become more independent
- what self-care support you need
- if you use or need <u>equipment</u>, <u>technology or devices</u>, also known as assistive technology
- what <u>social and recreation activities</u> you'd like to do now or in the future
- · if you need help to build friendships or connect with your family
- if you'd like to work or study now or in the future
- what support you need to build your skills and do more things yourself.

We will keep your personal information safe and secure.

You can ask to change your plan at any time.

### How do you set the goals in your NDIS plan?

We need to know your goals so we know how we can help you.

Your goals are your own and tell us about the things you'd like to do. You can have as many or as few goals as you want.

Your goals can be big or small, short term or long term, simple or complex. They can be about anything you want to work towards.

You may express your goals broadly, or you may have specific goals. For example, one of your goals might be to 'live independently', and another might be 'to have an accessible bathroom'.

You can set any goals you like, even if they're about things we won't fund.

#### How can you tell us your goals and the information about you?

The first part of your plan has information about:32

your daily life and living situation

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- your social, work and study life
- the people who support you
- your goals.

You, or your plan nominee or child representative, set your goals and tell us what information you want to include about your life. This is sometimes called the 'participant's statement of goals and aspirations'.<sup>33</sup>

If you want, your family and friends who support you can also give us information about their life.

You can tell us about your goals at any time before we approve your plan. If you tell us your goals in person or over the phone, we'll write them down for you.<sup>34</sup>

They are your goals, and we'll write them down in your own words. We can't change your goals or choose them for you. But we can help you choose what words to use if you want us to.

Learn more about setting your goals.

#### Will we always fund supports for your goals?

Your NDIS funding aims to provide you with the supports you need for your disability.

These supports may help you maximise your independence and pursue your goals. You can also get support through <u>mainstream and community services</u>, or informal supports you can get through family and friends.

The supports we fund should help you pursue your goals,<sup>35</sup> but you don't need a specific goal for every support in your plan. When we decide if a support will help you pursue your goals, we think about your whole situation.

We look at the barriers related to your disability that prevent you from pursuing your goals, and how the support will address your disability support needs.

There are some things to remember when setting goals:

- Setting more and bigger goals doesn't mean we'll fund more and bigger funded supports.
- Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal.
- Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or in that amount.

This is because helping you pursue your goals is only one of the NDIS funding criteria.<sup>36</sup> A support must meet all of the NDIS funding criteria to be funded under the NDIS. So not all

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supports that help you pursue your goals will be reasonable and necessary supports we can fund in your plan.

For example, you might be ready to look for work and have a goal to find a job. <u>Disability</u> <u>Employment Services</u> help people a with disability look for jobs, so we might not be able to fund this support.

But we can help you connect with a Disability Employment Service and consider what supports we could fund to help build your job skills. Learn more about work and study supports.

Learn more about <u>how we consider your goals</u> when we decide what supports to include in your plan.

#### Who can help you set your goals?

You can ask other people for help to set your goals if you want to. For example, your friends, family, or My NDIS Contact can help you.

You can also change your goals at any time, even after we approve your plan.

We'll talk with you about what your goals will mean for your NDIS plan. For example, we could talk about:

- what your goals will look like for you
- how you can work towards your goals
- when you'd like to work on your goals
- what supports you need to work towards your goals. But just because you have a goal doesn't mean we have to fund supports for it.
- where you might get supports to work towards your goals, for example community or mainstream services
- if we'll fund supports to help you work towards your goals
- how you could develop skills and talents you haven't focused on before
- what supports you need to overcome any challenges in working towards your goals
- if you'd like to include smaller goals as part of a big goal
- if you'd like to add a few steps to work towards your goals.

For example, you might choose a goal, 'I want to go on a holiday next year'. You might also choose to add steps like saving up money for your travel and hotel, towards achieving your goal.

Learn more about preparing your goals.

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#### How do we think about risks when we create your plan?

You have the right to decide what you do each day and to make your own life choices. For all of us, our choices come with some risks. We all make our own choices about how much risk we want to take in our lives. You should also be able to choose how much risk you want to take in your life.

We'll work with you to understand areas of risk in your life and things that may increase risk of harm to you. This includes being aware of your individual situation, the transitions in your life and recognising your own experience.

We'll help you think about supports that help you live your life the way you want to.<sup>37</sup> We balance your right to take reasonable risks in pursuing your goals, with your safety and the safety of other people.<sup>38</sup>

When we create your plan we'll talk with you about how we can help you reduce risks. There are a few things we could do to reduce risk and make sure your plan meets your needs. For example, we could:

- check in with you regularly about how your plan is meeting your disability support needs and if you need any changes
- fund supports to help you build your support network, for example to help you make friends or build relationships in your community
- · set up regular chats with your My NDIS Contact
- make sure any providers using restrictive practices are NDIS registered and follow the <u>NDIS Quality and Safeguards Commission</u> requirements
- let you know about how you can make a <u>complaint</u> about your service providers or about our service if there are any issues
- include funded supports to help build your skills so you can manage the funding in your plan.

The NDIS Quality and Safeguards Commission also manages <u>NDIS worker screenings</u> to check if a worker is safe for you to use. If you self-manage your funding, you can check if workers you employ are already cleared with an NDIS worker screening check. You can also ask providers, employees or contractors providing you with supports to do an NDIS worker screening check. If you're using registered providers, workers should already have an NDIS worker screening check.

We'll support you to make your own choices wherever possible. But we can't fund supports that are likely to risk harming you or someone else.<sup>39</sup>

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Some of these risks might affect what we can fund in your plan, or who manages your NDIS funding. For example, there might be risks to your personal safety, your personal money, or your NDIS funding.

We think about if there are any risks with your current support arrangements. For example, there might be risks to your family or friends' health if they keep supporting you when they get older. If so, we could look at including NDIS funded supports to reduce these risks.

We also consider any risks around your safety and wellbeing. For example, there could be risks if you're socially isolated, or rely only on providers for support. Or there could be risks of physical injury to you or the people who support you.

# How do we decide what supports to include in your plan?

NDIS supports are the services, items, and equipment we fund or provide under the NDIS. An NDIS support is the practical description of how we help you under the NDIS.<sup>40</sup>

There are two types of NDIS supports:

- the general supports we provide to you
- the reasonable and necessary supports we fund in your plan.

#### **General supports**

General supports are those we provide to you, like a local area coordinator or early childhood partner.

We help you develop your plan and connect with supports and activities in your area. For example, we can help you connect with:

- informal supports like your friends, family, or other people you know in your community
- community supports that are open to everyone in the community, like sporting clubs, activity groups or libraries
- mainstream supports other government services like the health or education systems.

General supports are not funded through your NDIS plan.

General supports can be provided by:

- an <u>early childhood partner</u> for children younger than 9 learn more in <u>Our Guideline Early connections</u>
- a <u>local area coordinator</u> for people aged 9 or older learn more in <u>Our Guideline</u> -<u>Community Connections</u>

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- Remote Community Connectors
- Aboriginal Disability Liaison Officers
- community organisations through the Department of Social Services <u>Information</u>, <u>Linkages and Capacity Building program</u>.

We can provide these general supports to everyone with a disability, including people who are not NDIS participants.<sup>41</sup>

#### Reasonable and necessary supports

Reasonable and necessary supports are the disability supports we fund in your plan. You can use this funding to buy supports from service providers.

All NDIS supports funded in your plan need to meet the <u>NDIS funding criteria</u>. For example, they need to directly relate to your disability, be value for money, and effective and beneficial.

We also consider how your supports will work together as a package to address your disability support needs, or to achieve an outcome. The supports we fund must be reasonable and necessary individually, but they must also be reasonable and necessary as a package of supports.<sup>42</sup>

If you need a new support, which now means your overall package of supports doesn't meet the NDIS funding criteria anymore, we may either:

- not include the new support in your plan
- include the new support in your plan, but also reduce the other supports in your plan.

For example, a home modification may reduce your need for other supports. We'll need to take any planned home modification into account when we think about what other supports you need. For example, you might need less supports for care at home.

We look at all the information we have when we decide what supports to include in your plan.

Check out <u>Our Guideline – Reasonable and necessary supports</u> to learn how we decide what supports to include in your plan, and how we describe them.

We also consider our <u>Participant Service Charter</u> and <u>what you can expect from us when we create your plan.</u>

We have detailed information on how we make decisions about different types of supports. <u>Learn more about supports we can fund</u>.

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#### How we describe the supports in your plan

We divide your supports into 4 different budgets:

#### Core supports

These supports help you with everyday activities, like helping you to take part in activities in the community. This budget is mostly flexible so you can use funding from one support category to pay for something in another support category.

#### Capacity building supports

These supports help you build your skills and maximise your independence, and reduce the need for the same level of support in the future. Your progress and outcomes from these supports will be shared at each plan reassessment. Capacity building supports are stated so you won't be able to use funding from one support category to pay for something in another support category.

#### Capital supports

These supports include high cost assistive technology, equipment, vehicle modifications, home modifications and specialist disability accommodation. Capital supports are stated. You can only use this funding to buy approved individual supports in this support category.

### Recurring supports

These supports are paid by us on a regular basis, so you don't need to claim for these. Your funding for recurring supports will be paid regularly to your nominated bank account. This funding is not included anywhere else in your budget and includes mainly transport supports.

Each budget is divided into a number of support categories. Support categories have more detail about what supports you can buy with your funding. We can describe the support categories in your plan as one of the following:

- Flexible: Under the law for the NDIS, this is when we describe the support generally. Most support categories are flexible so you have greater flexibility over what disability supports you can buy within the flexible support categories.<sup>43</sup> When we describe your support categories as flexible, you can usually choose what supports you buy within the descriptions for each support category.
- **Stated**: Under the law for the NDIS, this is when we describe the supports in the support category specifically. It means you must buy the support in the way we have described in your plan.<sup>44</sup> We'll be clear when we describe a support category as stated in your plan.

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We describe most support categories as flexible when we can. You have greater flexibility over the support you can buy in your flexible budgets. When support categories are described as stated, you have less flexibility.

Some stated budgets are more specific than others. More specific budgets have less items you can spend your funding on.

Your Core supports budget is the most flexible. You can usually use your funding across all the support categories in the Core supports budget if:

- we described the supports as flexible
- you have the same plan management options for all your Core supports.

Learn more about the support budgets and support categories in your plan.

We also consider our <u>Participant Service Charter</u> and <u>what you can expect from us</u> when we create your plan.

We look at all the information we have when we decide what supports to include in your plan.

Check out <u>Our Guideline – Reasonable and necessary supports</u> for how we decide what supports to include in your plan and how we describe them.

#### What if we need more information?

Sometimes we might ask for more information.

We can ask you to:

- give us more information that we need to approve your plan<sup>45</sup>
- get an assessment of your support needs, usually from an allied health professional, and send us the report<sup>46</sup>
- get a medical, psychiatric, or psychological examination and send us the report.<sup>47</sup>

For example, we might need more information if you have complex care needs. We could ask you to get an assessment from an occupational therapist. This will help us understand your support needs at home and in the community. It also helps us work out what supports to fund in your plan.

We can also ask someone else to give us information we need to create and approve your plan.<sup>48</sup> For example, we can ask your doctor, or the people who support you, to give us information.

When we ask for more information or to get an assessment, we'll tell you:

what you need to do

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- what information we need
- how you can send us the information
- when you need to give us the information.

We must give you a reasonable opportunity, and a reasonable amount of time, to give us this information.<sup>49</sup> The sooner you can give us the information, the sooner we can create and approve your plan.

Your plan will include funding for any assessments or examinations we ask for. If we need independent information about you, we avoid any conflicts of interest as much as possible. This means we usually won't choose an assessor you know.

We only ask for an assessment or examination if:

- it will help us create your plan
- · we don't already have the information
- the benefits outweigh the time and cost.

You don't have to give us this information or get these assessments. But without them, we might not have enough information to understand and approve the supports you need.

Sometimes, we might need to approve your plan before you give us this information.<sup>50</sup> We could then change your plan once you have the assessments and reports for other supports, such as high cost assistive technology.

Learn more about changing your plan.

# What are your options for managing your funding?

You have three options for how you can manage the funding in your plan.<sup>51</sup>

- <u>Self-managed</u>: you, or your plan nominee or child representative, manage the funding and pay your providers.
- Agency-managed: we manage the funding and pay your providers.
- A registered plan manager manages the funding and pays your providers.

You can also choose a mix of these options. For example, you might like to manage some of the funding yourself, and we'll manage the rest.

There are different benefits for each plan management option.

Self-management gives you the most flexibility. You can choose any provider and pay them more than the NDIS Pricing Arrangements and Price Limits.

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Using a registered plan manager provides you with support and assistance to manage your funding.

Having your funding Agency-managed means you'll have less things to do when it comes to managing your funding.

You might want to manage every decision when it comes to your NDIS funding and the supports you receive. Or you may want someone to help you manage some or all of your funding.

Whether your funding is managed by you, us, or a registered plan manager, managing NDIS funding means:<sup>52</sup>

- buying the supports in your plan, including paying taxes
- receiving and managing your NDIS funding, including paying for supports on time
- keeping track of what you buy with your funding, including keeping receipts and invoices
- spending your funding according to your plan.<sup>53</sup>

We're committed to helping you have more choice and control when it comes to managing your funding, if that's what you want.

We'll talk to you about what you want and what suits you when it comes to managing your funding.

We'll talk more about the different plan management options in the following sections.

Your plan will say who manages your NDIS funding.<sup>54</sup>

Learn more about ways to manage the funding in your plan.

There are a few other things to remember when you choose who manages your funding:

- You must use <u>NDIS-registered providers</u><sup>55</sup> if your funding is Agency-managed. If you self-manage your funding or use a registered plan manager, you can use either NDIS-registered providers or unregistered providers.
- If your funding is Agency-managed or managed by a registered plan manager, your
  providers or your plan manager can't claim more than the <u>NDIS Pricing Arrangements</u>
  and <u>Price Limits</u>. If you self-manage your funding, you can pay more than the <u>NDIS</u>
  <u>Pricing Arrangements and Price Limits</u>, as long as you don't spend more than the total
  funding for the support in your plan.
- If you use a registered plan manager to manage your funding, we'll always include funding in your plan to cover plan-management costs.

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#### How do we decide who manages your funding?

We'll ask you who you want to manage your funding. We'll discuss strategies to help you do this the way you want to. We'll let you know what your plan management options will mean for you.

You can also ask your friends or family for advice.

If you're under 18, your <u>child representative</u> can choose how to manage your plan funding.<sup>56</sup> If you want to self-manage your funding or use a registered plan manager, we'll agree to your request, unless:<sup>57</sup>

- you want to self-manage the funding but that would be an unreasonable risk to you
- you already have a <u>plan nominee</u>, in which case we'll talk to your nominee about your plan management options
- your plan nominee wants to self-manage your funding but that would be an unreasonable risk to you<sup>58</sup>
- you want to self-manage the funding but you, or your plan nominee or child representative, are bankrupt or insolvent under administration
- you want a registered plan manager to manage your funding but that would be an unreasonable risk to you
- it's for <u>in-kind supports</u>, <u>or cross-billing payments</u> for younger people in residential aged care.

If we don't agree to your request, we'll let you know our decision and explain our reasons. We'll talk to you about the risks, and if there are ways we can help you <u>manage the risks</u> in the future.

If you're not happy with the decision we make, you can ask for a review of our decision.

Learn more about requesting a review of decisions we make.

# How can you change how you manage the funding in your plan?

You can ask us to change how you manage your plan at any time. You might want more control of your funding. Or there may be a change in your situation which may mean you need to manage your funding differently for a period of time. There are no restrictions on how often you can ask to change your plan management.

If you want to change how you manage your funding, you'll need to ask us to change your plan.<sup>59</sup> If this is the only change you want, we may be able to vary your plan without completing a full plan reassessment. Learn more about <u>changing your plan</u>.

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#### What does it mean to self-manage your funding?

We're committed to helping you manage your own funding if that's what you want to do. Managing your own funding can give you more choice and control over how the funding in your plan is used.

Self-managing your funding means you'll have the choice to decide what supports you buy in line with your plan. You can decide who provides these supports, and how they are delivered. You can also negotiate costs above or below the <a href="NDIS Pricing Arrangements and Price Limits">NDIS Pricing Arrangements and Price Limits</a>. This can help you arrange your supports in a way that gives you the best value.

You'll also be responsible for receiving your funding, arranging your supports and paying your providers on time. You'll need to keep records of invoices and receipts for 5 years, and meet your obligation as an employer if you choose to <a href="mailto:employer:em

You might want to self-manage only a part of your funding. This can be a good way to develop your skills, and help you self-manage more of your funding in the future if you want to.

#### How can you learn how to self-manage your funding?

You might want to learn or improve your skills to help you manage your NDIS funding. For example, you might want to build your skills to:

- budget and keep records of your purchases
- choose your supports and get the most out of your plan
- claim your NDIS funding, pay providers, and make service agreements.

You can check out our <u>guide to self-management</u>, and learn more about <u>self-managing</u> and <u>how to claim from your plan</u> on the NDIS website.

If you have enough money available in your Core supports budget, you can use this flexibly to help you learn how to self-manage. For example, you might buy book-keeping services to help with payroll for staff you employ. Or you might buy an online training package to help with things like learning to budget and keeping records.

If you need support to build your skills to manage your funding, we might be able to fund support. If it meets the <u>NDIS funding criteria</u> we can include funding in your plan for capacity building and training in self-management. Talk to your My NDIS Contact about this.

You might use this funding to get your support coordinator or plan manager to help build your skills. You might choose to use the funding on training with another organisation. As you build your capacity in self-managing, you're likely to need less of this support in the future.

We can also answer questions about self-management and help you problem-solve when you start out.

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We'll talk to you about whether there are any <u>mainstream and community supports</u> which could support you. These are the supports you get outside the NDIS, and are available to everyone, whether or not they have a disability. Supports outside of the NDIS can help you build your skills to manage your own finances and learn about self-management.

You might speak with your informal supports, and other participants who self-manage to learn more about self-management. Community supports can help connect you to important and practical information about self-management. You'll need to decide if information from outside the NDIS is reliable and if you want to use it.

We know you might be nervous about self-managing funds. We understand making mistakes can be an important part of learning to self-manage, and sometimes things can go wrong. If you have any issues, you can always <u>contact us</u> and we'll work with you to fix them.

#### Self-management and NDIS registered providers

If you self-manage your funding or use a registered plan manager, you can generally use any provider. But you must use an NDIS-registered provider if they provide:

- specialist disability accommodation
- behaviour support
- supports where the use of restrictive practices occur or are likely to occur

Sometimes we might also say in your plan which provider you need to use.

A registered provider meets the <u>NDIS quality and safety standards</u>. Workers with registered providers also undergo an <u>NDIS worker screening check</u> to make sure a worker is safe for you to use.

If you choose a provider that isn't registered, you'll need to make sure they have the right qualifications, training, and safety checks. You can ask providers, employees or contractors providing you with supports to do an NDIS worker screening check.

#### **Self-management and NDIS Pricing Arrangements and Price Limits**

If you self-manage your funding, you can agree to pay more or less than the <u>NDIS Pricing</u> <u>Arrangements and Price Limits</u>. But you always need to make sure you have enough funding in your plan to last for the whole plan period.

# When can't you self-manage your funding?

You, or your plan nominee or child representative, can self-manage your funding unless:60

- you, or your plan nominee or child representative, are currently <u>bankrupt or insolvent</u> under administration
- there's an <u>unreasonable risk</u> if you self-manage your funding.

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#### Are you bankrupt or insolvent?

You can't manage your NDIS funding if you're currently insolvent under administration.<sup>61</sup> Your plan nominee or child representative also can't manage your funding if they're insolvent under administration.<sup>62</sup>

Insolvent generally means you can't pay your debts when they are due.

Your NDIS funding can't be self-managed if you, or your plan nominee or child representative:

- are currently <u>bankrupt</u> contact the <u>Australian Financial Security Authority</u> if you're not sure
- have property under the control of people you owe money to,<sup>63</sup> for example, your bank or the Australian Financial Security Authority
- have a <u>personal insolvency agreement</u> to repay money you owe, and you haven't followed the agreement<sup>64</sup>
- have a <u>debt agreement</u> to repay money you owe.<sup>65</sup>

This also applies if you, or your plan nominee or child representative, are an insolvent under administration in another country.

You might be able to self-manage your funding if you are no longer insolvent under administration. But we'll consider if there might be an unreasonable risk if you manage your funding.

Your plan nominee might be a company or body corporate, like a service provider or advocacy organisation. If so, they can't be insolvent either.

A company or organisation can't manage your funding if they are under <u>voluntary</u> <u>administration</u>, <u>liquidation</u>, <u>or receivership</u>.

#### How do we decide if there is an unreasonable risk to you?

You have the same right as all Australians to take reasonable risks in managing your money. We respect your right to take reasonable risks in self-managing your NDIS funding. But it's also important to understand any risks self-managing your funding might create for you.

In most cases, risks will be small, or can be managed. We'll work with you to address risks and support your request to self-manage your plan as much as possible. But you can't self-manage your funding if this would create an unreasonable risk to you.<sup>66</sup> Your plan nominee or child representative also can't manage your funding if that would be an unreasonable risk to you.<sup>67</sup>

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If we decide self-managing your funding will create a risk to you, we need to decide if this is an unreasonable risk to you. We will only decide a risk is unreasonable if there are no suitable safeguards or supports available to manage the risk of harm to you.

If you want to self-manage your funding, we'll consider if this could put you at risk. For example, we'll consider if someone might pressure you to do something.<sup>68</sup>

When we look at the risks to you of self-managing your funding, we think about:

- how well you make decisions about your money<sup>69</sup>. We'll look at things like how well you:
  - manage your everyday finances
  - schedule your supports and manage things like agreements and payments with your providers
  - use peer support or similar networks
  - understand employer obligations, such as when employing staff and considering health and safety issues
- if you have the capacity to manage finances<sup>70</sup>
- if you were previously bankrupt or insolvent under administration, how well you manage your money now<sup>71</sup>
- if your informal supports could help you reduce any risks, for example if they help you manage your money.<sup>72</sup>

We'll talk with you about any reasons which might make self-managing difficult for you. We'll discuss if you need <u>strategies which might reduce the risk for you</u>.

# How do we decide if there is possible physical, mental, legal, or financial harm to you?

When thinking about risks to you, we'll look at if there is evidence of possible physical, mental, legal or financial harm to you. Evidence of possible harm won't always mean there is an unreasonable risk to you if you want to self-manage your funding. We know it can be difficult to talk about this information. We'll only talk about it to make sure we can identify any possible risks. We can then work out together if you need help from us to manage risks.

Examples of physical harm might include if there is evidence of:

- you being injured from a reckless or intentional act, caused by you or another person,
   like a fracture, contusion, wound, burn or concussion
- you being physically assaulted by a carer, support person, family member or member of the community which causes serious harm or injury

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- serious unexplained injury to you while receiving NDIS supports
- you having a history of habitual or continued substance abuse within the last 12 months.

Examples of mental harm might include if there is evidence of a family member, carer, or support person:

- denying you food as 'punishment'
- threatening to harm you
- abandoning you by denying support permanently
- consistently not letting you go out and do activities
- secluding or restraining you.

An allegation of you being subject to offensive, abusive, or demeaning language by a family member, carer, or support person, may also create an unreasonable risk to you.

Examples of legal or financial harm might include if there is evidence of:

- you being financially exploited
- frequent changes in a child representative or nominee
- an appointment of a trustee or guardian to manage your money by a court or tribunal<sup>73</sup>
- you, your child representative or nominee having a gambling addiction
- you, your child representative or nominee being the victim of coercion, such as being coerced to sign for a loan or power of attorney
- you, your child representative or nominee being previously insolvent under administration in the past 5 years
- deliberate misuse of, or fraud, in relation to plan funds, by you, your child representative or nominee
- you, your child representative or nominee having been involved with the criminal justice system in relation to funds management or fraud.

#### What supports or strategies can we use to reduce risks?

We'll talk to you about how we can support you to manage any risks with self-managing your NDIS funding. We'll think about if there are supports and strategies available that reduce the risk to you before we make a plan management decision. In many cases this means you, your plan nominee or your child representative will still be able to self-manage part, or all of your funding. We just need to make sure the risk to you is not an unreasonable risk.

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We'll consider the specific risk to you and look at suitable ways to help you manage the risk.

We can give general advice and information about self-managing your funding which might be enough to manage any risks to you. This includes information on things like employing your own staff and working with providers. If you're new to self-management, we can work with you to try and solve any problems you have. We might be able to fund a support coordinator or a registered plan manager to help you get started. Or funding for training in self-management.

Other strategies we can consider to reduce risks to you include:74

- giving you a plan with a shorter length of time
- having regular check-ins with you
- stating how a support in your plan needs to be purchased. For example, there might be only a few providers who can safely provide a very specialised support.

When we think about risks, we also think about the types of supports you want to manage. If there is an unreasonable risk for you to self-manage some supports, you might be able to manage others. You might also be able to manage some of your funding now and manage more in the future if you're ready.

For example, you may want to self-manage your funding but haven't done it before. You may be unsure how to set up your budget and pay your providers. It might be a good idea to start small. We could support you to link to a peer support network to get information from other self-managers about how they manage their payments. You might be able to start with self-managing the social and community participation funding in your Capacity Building budget.

At regular <u>check-ins</u> you can let us know if you need any help to self-manage your funding, or if you want to manage more of your funding. Once you're familiar with the process of paying providers and keeping records, you might be ready to self-manage other parts of your funding.

#### What if you have a plan nominee or child representative?

If you have a plan nominee or child representative, they may be able to manage your plan funding if it's part of their nominee arrangement. We can decide to let your plan nominee or child representative manage your plan funding, unless they're insolvent under administration or it presents an unreasonable risk to you. We consider risk in the same way as if you want to self-manage your plan funding.

If your plan nominee or child representative wants to manage your funding, we'll consider if this creates risks to you. We'll think about:

their capacity to manage your finances

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- if any business or other interests might affect how they manage your money
- if we believe they will use your NDIS funding according to your plan
- if any safeguards or strategies in your plan could help reduce any risks to you.

We'll think about what strategies could reduce any risks of your plan nominee managing your plan funding. We'll talk to you and let you know our decision and explain our reasons.

Your plan nominee may also be able to request who manages your plan funding. They can do this if their nominee arrangement allows them to make decisions about parts of the preparation, management or changes to your plan.

Your plan nominee has to work out what you want. They need to make decisions that help your personal and social wellbeing.<sup>75</sup>

Learn more about nominees or child representatives.

# What does it mean when a registered plan manager manages your funding?

You can choose a registered plan management provider to assist and support you to manage your NDIS funding. They can buy supports on your behalf from the funding you provide them from your plan.

A plan manager can help you:

- increase your financial and plan management skills
- pay providers
- increase your choice of providers
- get NDIS plan budget reports and help you monitor your budget

If you use a registered plan manager to manage your funding, we'll always include funding in your plan to cover plan-management costs.

If your funding is managed by a registered plan manager, your providers or plan manager can't claim more than the <u>NDIS Pricing Arrangements and Price Limits</u>.

Having a registered plan manager can reduce risks involved with managing funding in your plan. But there can still be risks to you that we need to consider.

You'll still need to make sure any provider you choose provides supports that are safe and meet your needs. If there are no suitable safeguards or supports available to manage the risk of harm to you, the risk may be unreasonable.

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We respect your right to take reasonable risks in having a registered plan manager manage your NDIS funding. We'll talk to you about what might help reduce any risks with having a plan manager manage your funding.

We'll agree to a registered plan manager managing your funding unless it would be an <u>unreasonable risk</u> to you. We'll then decide if supports need to be Agency-managed.

When we think about if there is an unreasonable risk to you, we'll consider if there is evidence of possible physical, mental, legal, or financial harm to you. We consider unreasonable risk and the strategies available to reduce risk, in the same way for a registered plan manager as we do for self-managing funding.

We also consider whether a provider has delivered supports to you in a way that has caused you physical, mental, legal, or financial harm. Or, if someone might pressure you to do something.

We can help you change your registered plan manager if you need to.

#### What does it mean when your funding is Agency-managed?

You can choose for your funding to be Agency-managed. This means we will pay registered providers directly, from funding in your plan, for services on your behalf.

We may also decide to make parts, or all, of your funding Agency-managed when we approve your plan.<sup>76</sup> We'll do this if you don't choose who you want to manage your funding. Or <u>if you can't</u>, or don't want to, self-manage or use a registered plan manager for any parts of your funding.

When we decide if your funding should be Agency-managed, we think about your goals, supports and the providers you want to use. For example, if your funding is Agency-managed you'll need to use <u>NDIS registered providers</u><sup>77</sup>. If you prefer to use providers that aren't NDIS registered, we'll discuss your options with you. You might agree to use NDIS registered providers or consider self-managing or using a registered plan manager.

If your funding is Agency-managed, your providers can't claim more than the <u>NDIS Pricing</u> <u>Arrangements and Price Limits</u>.

### What if the supports have already been paid?

In some rare cases, other government agencies have already paid for supports through funding outside your plan. These supports have already been paid for, so you won't be able to manage the funding for these supports.

These include:

in-kind supports

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 cross-billing payments to the Department of Health and Aged Care if you're a <u>younger</u> person in residential aged care.

### How long will your plan go for?

Everyone has different goals, living situations, and circumstances. So, we'll work with you to decide how long it will be before we create your next plan. This will be based on your individual situation.

We think about how long you want your plan to go for. We'll try to make the plan length what you want, where we can.

If you're not happy with how long your plan goes for, you can ask for a variation to your plan. Learn more about changing your plan.

Your plan will say when we must do a plan reassessment, if we haven't reassessed your plan before this.<sup>78</sup> This is called the 'plan reassessment due date'. We could write this as:

- a date, for example '1 January 2024'
- a circumstance or milestone, for example 'when Constantine starts school'
- both a date and a milestone, for example 'when Macey starts her new job, or 1 July 2023: whichever happens first'.

We have more information in Appendix A on how long we usually make your plan.

### When will we give you a longer plan?

If your support needs are stable and your situation will likely stay the same, we generally give you a 3-year plan. Your plan can be up to 5 years if:

- you know how to use your NDIS plan
- your disability support needs are stable
- you have strong informal supports and living arrangements
- your work or study situation is stable.

### Example

Sarah is 35 years old and has had several plans. Her previous plans worked well. She has the Core supports she needs and it's unlikely her support needs likely will change soon.

She asks for a longer plan as she knows what supports she needs. Her planner decides to approve a 5-year plan.

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### When will we give you a shorter plan?

We'll only give you a shorter plan if your needs might change over the next year or two. This includes if you:

- are likely to leave the NDIS in the next 3 years, including if you were eligible for the NDIS under the early intervention requirements
- are younger than 7
- have changing support needs, such as if your disability gets worse over time
- might change your work or study in the next year or two
- don't have a strong support network, or there are risks to your safety or your personal money
- have very high support needs, or need behaviour supports
- need assessments to determine your disability support needs
- need high cost assistive technology or home modifications
- need disability-related health supports.

See Appendix A for when we might give you a shorter plan.

We might also give you a shorter plan if you need extra help to link in with supports. Or you might need extra help to use your funding according to your plan.

For example, we could give you a shorter plan and include funding for support coordination. A support coordinator could help you use the right amount of funding each month. When we next change your plan, we can check if you're linked in to the supports you need. And, we'll check if you're using the right amount of funding.

If you're a <u>younger person in residential aged care</u>, we usually give you a one year plan and we'll <u>check in</u> with you regularly. We'll discuss how we can help you move out of aged care if you want to, or whether your supports work for you if you want to stay. We may be able to give you a longer plan if you want one.

Remember, you can always talk to your support coordinator or My NDIS Contact if you want to move out of residential aged care.

#### Example

Joe is 16 and will finish school in 18 months. We give Joe a 17-month plan. He'll have the chance to set new goals before he gets his next plan.

When it's time to create his next plan, we can have another look at his supports. His next plan will include his goals and support needs after he leaves school.

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### When will we approve your plan?

We'll approve your plan as soon as we reasonably can based on your situation.<sup>79</sup> We may take longer to approve your plan if we need you to give us more information or get an assessment.

For children younger than 7, we aim to approve your plan within 90 days after you become a participant.

If you're 7 or older, we aim to approve your first plan within 56 days after you become a participant.

### What do we think about when we approve your plan?

When we approve your plan, we must:

- think about your goals<sup>80</sup>
- consider any assessments about your support needs<sup>81</sup>
- decide that each support meets the <u>NDIS funding criteria</u>, and as a package of supports<sup>82</sup>
- decide if we need to reduce the amount of funding in your plan because you can get <u>compensation</u> outside the NDIS<sup>83</sup>
- consider the principle that you should manage your plan as much as you want to<sup>84</sup>
- think about how your previous plans have worked for you, including how well they met your disability support needs.<sup>85</sup>

We also consider the principles about plans.<sup>86</sup> These principles include things like:

- Your plan is just for you.
- Your plan will work alongside other supports you can get outside the NDIS, like informal, community and mainstream supports.
- Your plan should give you as much choice and independence about your life as possible.

You can read the full list of principles about plans in the NDIS Act.

### What happens once you have your plan?

Once we approve your plan, you'll get a copy within **7 days**.<sup>87</sup> We'll ask how you'd like to receive your plan.

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We usually send it out by mail. You can also find it on the <u>myplace participant portal</u> and my NDIS app as soon as we approve it.

If you have a nominee or child representative, they'll get a copy too. You can also ask us to share it with other people. We can only share your plan where you ask us to. Learn more about your privacy and information.

Once you have a plan, you can start using it to buy your supports. Your plan officially 'starts' on the day we approve it.<sup>88</sup> Your My NDIS Contact or support coordinator can help you start using your plan.

We can only pay for supports you buy after your plan starts.

Your plan ends when we create a new one, or you <u>leave the NDIS</u>. 89 Your plan doesn't expire or stop, even if we haven't created a new plan by the plan reassessment date. You are never left without funding or supports.

Sometimes we'll need to suspend your plan. This usually happens when:

- you're overseas for more than 6 weeks there are some situations where we can extend the 6-week period
- <u>you don't claim compensation</u> you're entitled to after we ask you to, for example after you've sustained an injury.

Learn more about plan suspensions.

### What happens during a check-in?

During your plan, we'll check in with you to see how you're going, and how your plan is working for you. We may check in with you:

- at regular intervals, for example each year
- if we think your plan might not be working for you, for example if you're using too much or too little of your supports.
- if you would like help to use the supports in your plan.

We usually talk with you about:

- how you're going with your goals
- if your plan and funding is working well for you
- if your situation has changed.

After our check-in, we may need to vary or create and approve a new plan for you. This might be because your plan is due for reassessment or because your plan doesn't meet your needs. Learn more about <u>changing your plan</u>.

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If your plan is working well for you and your supports still meet the <u>NDIS funding criteria</u>, we could give you a new plan with the same supports. Your new plan might also have less supports if there are some you no longer need. Or you might need a plan with more support.

We'll make this decision based on your support needs, the principles we follow to create your plan and the <u>NDIS funding criteria</u>.

We'll check each support is reasonable and necessary, as well as when considered as a package.

Learn more about check-ins in Our Guideline – Your plan.

### Can you change your plan?

Once it's approved, your plan can be changed. We can also create a new plan if you need one.<sup>90</sup>

If you want to change the information about you and your goals, we can change your plan to include this. <sup>91</sup> This new plan will have the new statement about you and your goals. It'll have the same supports. <sup>92</sup>

You can also request a change to your plan at any time. Please get in contact with your My NDIS Contact or support coordinator if you'd like to request one. We also have <u>a form you</u> can complete.

Learn more about changing your plan.

### What if you don't agree with your plan?

If you're not happy with your plan, you should talk to your My NDIS Contact.

They may be able to explain the decision, clarify how you can use the funding, or help you fix any problems.

It's a good idea to do this soon after you get your plan.

We'll give you written reasons on why we made the decision. <u>Contact us</u> if you'd like to discuss the reasons for our decision.

If you don't agree with our decision to approve your plan, you can ask for an internal review. Your My NDIS Contact or support coordinator can help you ask for an internal review. We also have a form you can complete.

Having an internal review means someone who wasn't involved in creating your plan will review our decision to approve your plan. They'll consider if we made the right decision under the laws for the NDIS. An internal review is different to a change or plan reassessment after a check-in or when your situation changes.

Once you get your plan, you have 3 months to ask for an internal review.<sup>93</sup>

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Learn more about <u>reviewing our decisions</u>.

### Appendix A: Plan duration guidance

Below is a guide on how long we usually make your plan before we must reassess it. When we decide the plan reassessment date, we always consider:

- how long you want your plan to go for before we change your plan
- your current situation.

For children younger than 7, we recommend a plan length of one year. This is due to the major changes in early childhood. Sometimes, we can do a plan for up to 3 years for young children, if it is better aligned with important transition points and milestones. Learn more in Our Guideline – Early childhood approach.

During your plan, we'll check in with you to see how you're going, and how your plan is working for you. Remember you can ask to change your plan at any time.

Plan duration criteria	Recommended plan duration Aged 7 and older	Recommended plan duration Younger than 7
Your living situation and support needs are stable.	3-5 years	1-2 years
You are in an unstable living situation, for example if you are homeless or in temporary accommodation.	1 year	1 year
You are likely to leave the NDIS in the next year. For example, if you were eligible for the NDIS through the early intervention requirements., You may have built your skills, or still need to finish some skill development.	1 year	1 year
You might need a 1 year plan if you still need to finish your skill development		
You need more than \$25,000 per year in Capacity Building supports.	Not applicable	1 year
You need more than \$15,000 per year in Capacity Building supports	1 year	Not applicable

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Plan duration criteria	Recommended plan duration Aged 7 and older	Recommended plan duration Younger than 7
You have used less than 20% of your NDIS funding in your current plan.	1 year	1 year
You currently receive compensation or may be eligible for compensation.	1 year	1 year
You are a younger person in residential aged care aged under 65, or Indigenous and under 50, and you:	1 year	Not applicable
have a goal to change your living situation or move home		
only have cross-billing fees, or have additional aged care related fees that are likely to change		
are living in, at risk of entering, or transitioning out of an aged care facility.		
You live in residential aged care and are 65 years or older, or you are Indigenous and aged 50 years or older, and you:	2 years	Not applicable
want a 2 year plan		
only have cross-billing fees in your plan		
have stable support needs and circumstances		
are using the right amount of funding in your plan		
don't have a goal to explore alternate housing goals.		

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Plan duration criteria	Recommended plan duration Aged 7 and older	Recommended plan duration Younger than 7
<ul> <li>You need disability-related health supports and:</li> <li>your health support needs are unstable</li> <li>your function is expected to change in the next year</li> <li>we ask you to get an assessment so we can understand your support needs.</li> </ul>	1 year	1 year
You need behavioural support.	1 year	1 year
Your plan will include in-kind supports.	1 year	1 year

### Reference list

<sup>22</sup> NDIS Act s 33(2).

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<sup>&</sup>lt;sup>1</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules.

<sup>&</sup>lt;sup>2</sup> NDIS (Supports for Participants) Rules r 5.1(b).

<sup>&</sup>lt;sup>3</sup> NDIS Act s 34(1)(a).

<sup>&</sup>lt;sup>4</sup> NDIS Act s 34(1)(b).

<sup>&</sup>lt;sup>5</sup> NDIS Act s 34(1)(c).

<sup>&</sup>lt;sup>6</sup> NDIS (Supports for Participants) Rules r 3.1(c).

<sup>&</sup>lt;sup>7</sup> NDIS Act s 34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a).

<sup>&</sup>lt;sup>8</sup> NDIS Act s 34(1)(d).

<sup>9</sup> NDIS Act s 34(1)(e).

<sup>10</sup> NDIS Act s 34(1)(f).

<sup>11</sup> NDIS Act s 34(1)(f).

<sup>&</sup>lt;sup>12</sup> NDIS (Supports for Participants) Rules part 5.

<sup>&</sup>lt;sup>13</sup> NDIS (Supports for Participants) Rules r 5.1(a).

<sup>&</sup>lt;sup>14</sup> NDIS (Supports for Participants) Rules r 5.1(b).

<sup>&</sup>lt;sup>15</sup> NDIS (Supports for Participants) Rules r 5.1(c).

<sup>&</sup>lt;sup>16</sup> NDIS (Supports for Participants) Rules r 5.1(d).

<sup>&</sup>lt;sup>17</sup> NDIS (Supports for Participants) Rules r 5.3(a).

<sup>&</sup>lt;sup>18</sup> NDIS (Supports for Participants) Rules r 5.3(b).

<sup>19</sup> NDIS Act s 34(1)(f).

<sup>&</sup>lt;sup>20</sup> NDIS Act s 118(1)(b).

<sup>&</sup>lt;sup>21</sup> NDIS Act s 4(17)(b).



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<sup>23</sup> NDIS Act s 33(5)(a).
<sup>24</sup> NDIS Act s 34(1)(a).
<sup>25</sup> NDIS Act s 34(1)(d).
<sup>26</sup> NDIS (Supports for Participants) Rules r 4.1(d).
<sup>27</sup> NDIS Act s 34(1).
<sup>28</sup> NDIS Act s34(1)(d); NDIS (Supports for Participants) Rules, r 3.2-3.3.
<sup>29</sup> NDIS Act s34(1)(d); NDIS (Supports for Participants) Rules, r 3.2-3.3.
<sup>30</sup> NDIS Act s 33.
31 NDIS Act s 31.
32 NDIS Act s 33(1).
<sup>33</sup> NDIS Act s 33(1).
<sup>34</sup> NDIS Act s 33(8).
35 NDIS Act s 34(1)(a).
<sup>36</sup> NDIS Act s 34(1)(a).
<sup>37</sup> NDIS Act s 4(4).
38 NDIS Act s 118(1)(a)(v).
<sup>39</sup> NDIS (Supports for Participants) Rules r 5.1(a).
<sup>40</sup> McGarrigle v National Disability Insurance Agency (2017) 157 ALD 520 at [88].
<sup>41</sup> NDIS Act s 13.
<sup>42</sup> NDIS (Supports for Participants) Rules r 2.4; NDIS Act s 33(5)(c)
<sup>43</sup> NDIS Act s 33(3); NDIS (Plan Management) Rules r 6.2.
<sup>44</sup> NDIS Act s 33(3); (NDIS (Plan Management) Rules r 6.3.
<sup>45</sup> NDIS Act s 36(2)(a).
<sup>46</sup> NDIS Act s 36(2)(b)(i).
<sup>47</sup> NDIS Act s 36(2)(b)(ii).
<sup>48</sup> NDIS Act s 36(2)(a).
<sup>49</sup> NDIS Act s 36(3).
<sup>50</sup> NDIS Act s 36(3).
<sup>51</sup> NDIS Act s 42(2).
<sup>52</sup> NDIS Act s 42(1).
<sup>53</sup> NDIS Act s 46(1).
<sup>54</sup> NDIS Act ss 33(2)(d); 42(2).
<sup>55</sup> NDIS Act s 33(6).
<sup>56</sup> NDIS Act s 74(2).
<sup>57</sup> NDIS Act ss 43(2), 44.
<sup>58</sup> NDIS Act s 43(6)(e).
<sup>59</sup> NDIS Act s 47Å
60 NDIS Act 43(2).
<sup>61</sup> NDIS Act s 43(3)(c).
<sup>62</sup> NDIS Act ss 43(6)(d), 74(4)(a).
<sup>63</sup> Bankruptcy Act 1966 (Cth) s 50, pt X div 2.
<sup>64</sup> Bankruptcy Act 1966 (Cth) pt X.
65 Bankruptcy Act 1966 (Cth) pt IX.
66 NDIS Act s 43(3)(d).
67 NDIS Act ss 43(6)(e), 74(4)(b)(i)
68 NDIS (Plan Management) Rules rr 3.8(a)-(b).
<sup>69</sup> NDIS (Plan Management) Rules rr 3.8(c)-(d).
<sup>70</sup> NDIS (Plan Management) Rules r 3.8(d).
<sup>71</sup> NDIS (Plan Management) Rules r 3.8(d).
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<sup>72</sup> NDIS (Plan Management) Rules r 3.8(f).
<sup>73</sup> NDIS (Plan Management) Rules r 3.8(e).
<sup>74</sup> NDIS (Plan Management) Rules rr 3.8(f)(ii), 3.9.
75 NDIS Act s 80(1); NDIS (Nominees) Rules rr 5.3-5.6.
<sup>76</sup> NDIS Act s 43(3)(4).
<sup>77</sup> NDIS Act s 33(6).
<sup>78</sup> NDIS Act s 33(2)(c).
<sup>79</sup> NDIS Act s 33(4).
<sup>80</sup> NDIS Act s 33(5)(a).
<sup>81</sup> NDIS Act s 33(5)(b).
82 NDIS Act, ss 33(5)(c), 34, NDIS (Supports for Participants) Rules.
83 NDIS Act, s 33(5(d), NDIS (Supports for Participants – Accounting for Compensation) Rules.
<sup>84</sup> NDIS Act, s 33(5)(e).
85 NDIS Act, s 33(5)(f),
<sup>86</sup> NDIS Act s 31.
87 NDIS Act s 38.
88 NDIS Act s 37(1).
89 NDIS Act s 37(3).
90 NDIS Act s 37(2).
<sup>91</sup> NDIS Act s 47(1).
<sup>92</sup> NDIS Act s 47(2).
93 NDIS Act s 100(2).
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### **Knowledge Article**

For Internal Use Only

The contents of this document are OFFICIAL.

# Understand and update the plan conversation support tool

### Guidance in this document is not approved for use unless you view it in PACE.

This article provides guidance for all NDIA staff and partners to:

- understand the plan conversation support tool
- update the plan conversation support tool
- update the plan conversation support tool as a JAWS user
- update ZoomText before you use the plan conversation support tool.

### **Recent updates**

#### 12 August 2024

Guidance updated to:

- mention that the Plan Conversation Support Tool (PCST) must be used for all new plans and plan reassessments
- change how agency staff provide PCST feedback
- remove retired article Understand the product catalogue
- change name of article Understand, review and determine changes to the draft budget to Understand the draft budget.

### 29 July 2024

Guidance updated to:

- align process steps with enhancements made to the Plan conversation support tool (PCST)
- include instructions for naming the tool when saving it to your local device.

### Before you start

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### **Knowledge Article**

#### For Internal Use Only

- understood the participant's disability-related support needs
- made a decision to fund supports using the <u>NDIS funding criteria (external)</u> and relevant Operational Guidelines (external)
- received technical advice if needed, using article Create a technical advice case
- received the home and living decision if needed, using article <u>View and update a</u>
   home and living application
- understood the draft budget using article <u>Understand the draft budget</u>
- read and understood article Support categories.

### Understand the plan conversation support tool

In PACE, draft budgets are developed based on the:

- Typical Support Package (TSP) for first plans. This is based on information collected during the community connections, early connections and access stages of the participant journey
- supports in the participant's previous plan, transitioned from SAP CRM
- supports from the participant's current plan for reassessments or variations.

If you're a delegate, you'll review draft budgets against information and evidence to make sure it meets the NDIS funding criteria (external).

We've developed the plan conversation support tool (PCST) to support delegates when adjusting the TSP, or the previous plan budget. Use the PCST instead of other resources as it's the only accepted tool for developing draft budgets.

The prices in the PCST are current and updated according to the NDIS product catalogue.

### Who can use the plan conversation support tool?

If you're a delegate, use the PCST to:

- develop a draft budget that meets the <u>NDIS funding criteria (external)</u>
- provide evidence to support your decision to approve the participant's plan.

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### **Knowledge Article**

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If you're partner or agency staff, use the PCST to understand how the plan was developed and how different budget categories were funded. Use the <u>Budget Calculator tool (external)</u> to support plan implementation.

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### Update the plan conversation support tool

If you use the PCST, record factual and accurate information. The PCST forms part of the participant's record and must be added to the case.

**Note:** The participant may ask to see information on their record through the Participant Information Access process or Freedom of Information process. For more information, go to Our Guideline – Your privacy and information (external).

Access the plan conversation support tool

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### **Knowledge Article**

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**Make sure** the most current and up-to-date version of the plan conversation support tool (PCST) is used. Each time you use the PCST, open it from the PACE tools and resources library on the <u>3P Hub</u>.

- From the PACE tools and resources library on the <u>3P Hub</u>, open the <u>Plan conversation</u> support tool.
- **2.** If you:
  - use JAWS, learn tips about saving and using the PCST in section Update the plan
     conversation support tool as a JAWS user in this article
  - don't use JAWS, go to step 3.
- Save a copy on your local device using the naming convention '[Case number] Plan conversation guide Day\_Month\_Year. For example, 12345 Plan conversation guide 29\_July\_2024.

Note: Don't record the participant's name or NDIS number in the file name or document.

**4.** Go to section **Record participant details** in this article.

### **Record participant details**

Use these steps to record participant details in the plan conversation support tool.

- From the Plan conversation support tool (PCST) summary, confirm the prerequisites are complete.
- 2. Select Answer questions in Record participant details.
- At Do you have evidence to show the supports meet the NDIS funding criteria? select from the drop-down options.
- **4.** At **Record the plan draft budget**, record the budget if generated in PACE.
- **5.** At **Select the participant's age range**, select from the drop-down options.
- At Confirm the Modified Monash Model (MMM) record the participant's postcode, suburb and state.

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### **Knowledge Article**

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**Note:** If the MMM doesn't display for the suburb recorded, use a neighbouring suburb with the same postcode or MMM. Confirm the neighbouring suburb using the <u>Health</u> Workforce Locator (external).

- **7.** At **Confirm plan duration**, record the plan start date using DD-MM-YYYY or DD/MM/YYYY. For example, 01-12-2026.
- At Select the amount of years from the drop-down options, select the plan duration years.
- **9.** To add months to the plan duration, at **Select the amount of months from the drop-down options**, select the amount of months. Otherwise, you can leave this blank.
- **10.** Confirm the plan conversation support tool will generate supports for the right amount of:
  - months
  - weeks
  - weekdays
  - Saturdays
  - Sundays
  - Public Holidays.
- **11.** Take note of the duration amounts to help record support in the PCST. For example, if the participant needs support on a public holiday, you'll need to use the amount of public holidays when recording support in the PCST.
- 12. Select Return to budget summary.
- 13. Go to section Record the participant's support needs in this article.

### Record participant support needs

Use these steps to record NDIS funded supports in the plan conversation support tool.

From Flexible support budget and Stated support budget, select support categories
relevant to the participant. Don't select support categories that aren't related to the
participant's support needs. For example, select Assistance with Daily Life if the

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### **Knowledge Article**

#### For Internal Use Only

participant needs assistance with daily life. You're now on the Assistance with Daily Life page. For information, go to article Support Categories.

- 2. If the draft PACE budget is available, record the participant's draft budget for the support category. For example, the draft budget for assistance with daily living.
- 3. Answer questions for support items which relate to the participant's support needs. Don't answer questions for support items that don't relate to the participant's support needs. For example, if you determine the participant doesn't need assistance with self-care activities, move to Specialised home-based assistance for a child section in the PCST. If you determine the participant needs assistance with self-care activities, complete the Assistance with self-care activities section.
- **4.** If a question you want to answer is blacked out or N/A, check you have answered all the questions in **Record participant details**.
- At Does assistance with self-care activities meet the NDIS funding criteria? select from the drop-down options.
- **6.** If you select:
  - Yes, supports that can be recorded will show as purple, as this support may meet the NDIS funding criteria.
  - No, questions will show as N/A and be blacked out, as this support wouldn't meet the NDIS funding criteria.
- 7. Record supports that meet the NDIS funding criteria (external) for the participant in the purple fields.
- At Support item, select from the drop-down options. Include support using the level, time of day, and day of week which meets the NDIS funding criteria.
- **9.** At Ratio of support, select from the drop-down options.
- 10. At Quantity, record the amount needed. For example, the amount of hours or amount of items which meet the NDIS funding criteria. The Quantity unit will show if the item should be included as hours or per item.

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### **Knowledge Article**

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- **11.** At **Frequency**, record how often the support is needed.
- **12.** At **Frequency units**, select how the **Frequency** should be measured from the drop-down options. For example, 10 weeks or 10 months during the plan period.
- 13. The PCST will generate supports using the Support item, Ratio of support, Quantity and Frequency. s47E(d) certain operations of agencies
- 14. At How much funding quoted for on-call overnight assistance meets the NDIS funding criteria, record the amount quoted. If the participant doesn't need this support, move to the next question.
- **15.** Once questions for support items which relate to the participant's support needs are complete, review the support category summary. For example, **Assistance with daily life summary**. If support items:
  - align with the participant's support needs, continue to step 16.
  - don't align with the participant's support needs, repeat steps 3 to 15 in this section.
- **16.** At **Next steps**, select:
  - Continue: this will take you to the next support category.
  - Back: this will take you to the previous support category.
  - Return to budget summary: this will take you to the Plan conversation support tool (PCST) summary page.
- 17. Complete these steps for each Flexible support budget and Stated support budget support categories relevant to the participant's support needs.
- 18. Once each support category relevant to the participant's support needs is complete, go to section Review supports generated in the plan conversation support tool in this article.

### Review supports generated in the plan conversation support tool

Use this section to understand and review supports generated in the plan conversation support tool.

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### **Knowledge Article**

#### For Internal Use Only

- From the Plan conversation support tool (PCST) summary, review the Flexible support budget and Stated support budget.
- 2. Confirm supports align with your decision against the NDIS funding criteria, including the:
  - Draft PACE budget: this is the draft budget recorded for each support category.
  - PCST budget: this is the amount for supports recorded in the PCST.
  - Monthly PACE input amount: this is the monthly amount of the PCST budget.
     Use this amount to record the budget in PACE.
- At the Outcome and Recommendation table, review the budget estimate and recommendation to understand next steps.
- 4. If the budget estimate is:
  - higher than for the draft PACE budget, review the participant's support needs
    against the NDIS funding criteria (external). Confirm what type of approval you'll
    need for changes with your senior planner or team leader. For more information, go
    to article Understand the draft budget.
  - less than, or similar to, the draft PACE budget, it's likely the draft PACE budget will
    meet the participant's support needs.
- 5. Go to section Add the plan conversation support tool to a case in this article.

### Add the plan conversation support tool to a case

- 1. Save any changes made to the plan conversation support tool (PCST).
- 2. Add the PCST to the case as an Excel document. Don't upload the PCST as a PDF. To learn how to add the PCST to a case, go to article <a href="Add documents to a case">Add documents to a case</a>.

**Note:** Participants can't view documents you add in PACE. Participants can only view receipts or invoices they upload to their my NDIS portal.

Participants can only access the PCST if they ask to see information on their record through the Participant Information Access process or Freedom of Information process. For more information, go to <u>Our Guideline – Your privacy and information (external)</u>.

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### **Knowledge Article**

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- 3. Delete the PCST from your local device. Don't use the version saved on your local device for another participant. Always open and use the most current and up-to-date version of the PCST from the PACE tools and resources library on the 3P Hub.
- **4.** If you:
  - use ZoomText, go to section **Turn on ZoomText controls** in this article.
  - don't use ZoomText, go to section Next steps in this article.

### Update the plan conversation support tool as a JAWS user

The plan conversation support tool (PCST) is built into Microsoft Excel and uses different sheets for each support category. Use these steps to learn how to save and navigate the PCST as a JAWS user.

These steps are to compliment, not replace, the guidance in this article.

### Save the plan conversation support tool using JAWS

- Save a copy of the plan conversation support tool (PCST) on your local device, press
   F12 to open Save As dialog box.
- 2. Press **SHIFT+TAB** to navigate to the folder tree view.
- 3. Use your arrow keys to select **Desktop** and press **ENTER**.
- 4. Press **TAB** to return to **File Name**.
- **5.** Use the naming convention 'Case number Plan conversation guide Day\_Month\_Year. For example, 12345 Plan conversation guide 29\_July\_2024.

**Note**: Don't record the participant's name or NDIS number in the file name or document.

- 6. Press ENTER to save.
- 7. JAWS will announce **Select a label submenu**, press **ENTER** to continue.
- 8. Select **Unofficial** and press **ENTER**.
- **9.** Press **TAB** to navigate to **Apply**.
- 10. Press ENTER to save the PCST.

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### **Knowledge Article**

#### For Internal Use Only

#### **11.** If you want to:

- learn how to navigate the PCST, go to section Navigate the plan conversation support tool using JAWS in this article
- complete the PCST, go to section **Record participant details** in this article.

### Navigate the plan conversation support tool using JAWS

Use these steps to understand what navigation keys you can use to move through cells in the plan conversation support tool (PCST). This includes navigation keys to move past options you don't need to record in the PCST. For example, move past disability-related health consumables section if this support doesn't meet the NDIS funding criteria.

- ARROW UP to move up
- ARROW DOWN to move down
- ARROW LEFT to move left
- ARROW RIGHT to move right
- **CONTROL+HOME** to move to the top of the page
- **CONTROL+END** to move to the bottom of the page.

#### Record the participant's support needs

Use the **free edit box** or the **combo box** options to record supports in the plan conversation support tool. Activate the **combo box** by typing the answer, such as yes or no, or opening the options.

- 1. Press ALT+ARROW DOWN. The combo box will open.
- 2. Press ARROW UP or ARROW DOWN to navigate.
- 3. Press **ENTER** to select from the drop-down options.

**Note**: A dialog box will appear as an alert if your entry doesn't fit the cell requirements. This will happen if you've not selected a 'yes' or 'no' answer or have entered a date more than the timeframe allowed.

#### Navigate between support category sheets

Use these tips to navigate between Excel spreadsheets.

Press CONTROL+PAGE UP or CONTROL+PAGE DOWN to navigate between sheets.

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### **Knowledge Article**

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- Press CONTROL+SHIFT+S and ARROW UP or ARROW DOWN to navigate to the sheet you need.
- Press CONTROL+HOME or CONTROL+END to allow JAWS to take you to the beginning or end of the spreadsheet options. Press ENTER to select the chosen sheet.

#### **Navigate hyperlinks**

Press **ENTER** on hyperlinks within the spreadsheet to help you navigate between sheets or go to external knowledge articles. Use the below tips to help you navigate faster around hyperlinks:

- 1. Press JAWS Key+F7 to stack hyperlinks.
- 2. Press ARROW UP or ARROW DOWN to navigate around hyperlinks.
- **3.** Press **ENTER** to select and open the hyperlink.

If you're ready to use the PCST, go to section **Record participant details** in this article.

## Update ZoomText before you use the plan conversation support tool

When you select a drop-down field in the PCST, ZoomText moves your magnified view to the very top-left corner of the screen. To stop ZoomText moving your magnified view, use these steps to turn off ZoomText controls.

#### Turn off ZoomText controls

- 1. From the **ZoomText Magnifier/Reader** window, select **Navigation**.
- **2.** From the drop-down options, select **Tracking**.
- The Navigation Settings will open. From Track on these items, select Controls to uncheck the box.
- 4. Select OK. ZoomText controls are now off.
- 5. Complete the PCST, go to section **Record participant details** in this article.

#### **Turn on ZoomText controls**

1. From the **ZoomText Magnifier/Reader** window, select **Navigation**.

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### **Knowledge Article**

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- From the drop-down options, select Tracking.
- The Navigation Settings will open. From Track on these items, select Controls to check the box.
- 4. Select OK. ZoomText controls are now on.
- **5.** Go to section **Next steps** in this article.

### **Next steps**

- 1. If the plan conversation support tool recommends:
  - changes to the budget for a plan approval case, go to article <u>Change the draft</u> budget.
  - changes to the budget for a plan change or participant budget update case, go to article <u>Action a budget update</u>.
  - it's likely the draft PACE budget will meet the participant's support needs, you're not likely to change the budget. Go to step 2.

### **2.** If you:

- haven't had a plan meeting, go to article <u>Make fund management decision</u>.
- changed the budget after a plan meeting and are ready to approve the plan, go to article <u>Finalise and approve a budget update</u>.

### Feedback about the plan conversation support tool

We'll continue to review feedback and improve the plan conversation support tool. If you're:

- Agency staff, create a ticket using <u>3P PACE Service Delivery Support</u>. Select **3P Ways** of Working in the **3P Area dropdown**.
- Partner staff, give feedback to your Super User.

### Article labels - internal use only

#### **PACE** user role names

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### FOI 24/25-0209



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**Topics** 

No changes.

Case names

No changes.

**Ownership** 

No changes.

### Version control

Version	Amended by	Brief Description of Change	Status	Date
5.1	SGH107	Removed mention of retired article Understand the product catalogue.	DRAFT	2024-07-19
5.2	BTM847	Peer review	DRAFT	2024-07-30
5.3	SGH107	Action peer review feedback	DRAFT	2024-07-30
5.4	EJW711	EL1 review	DRAFT	2024-08-05
5.5	SGH107	Change to how agency staff provide PCST feedback. New inclusion of mandatory PCST use.	DRAFT	2024-08-06
5.6	ADO206	Peer review	DRAFT	2024-08-07
6.0	JS0082	Class 1 Approval  Mention that the Plan Conversation Support Tool (PCST) must be used for all new plans and plan reassessments. Change to how agency staff provide PCST feedback	APPROVED	2024-08-08

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