Work and Study

Quick summary: Work and study can be an important part of life for many people. There is support available for you to work or study and many programs that can help. You should talk to us if you think you might need extra support to study or work because of your disability. Even if you are not sure what you want to do, your support coordinator, planner or local area coordinator can help.

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 –</u> <u>Early Connections</u>.

What's on this page?

- What do we mean by work and study support?
- What about other work and study supports?
- How do we decide if work and study supports are reasonable and necessary for you?
- What work or study supports do we fund?
- How do you get work and study supports in your plan?
- What happens once you have work and study supports in your plan?

You might also be interested in:

<u>Assistive Technology</u>

What do we mean by work and study support?

If you want to work or study, we want to support you. You might need support with working or studying now. Or you might want to work or study in the future. This page has information on how we make decisions about the work and study supports we can fund.

When we talk about work and study supports, we mean the extra support you need because of your disability to:

- study at school
- prepare for work

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- find your first job or a new job
- do your job
- study somewhere like university or TAFE
- start an apprenticeship
- try things like volunteering or work experience
- work in your own business.

You need to read the information below to understand more about what supports we can fund and when.

What about other work and study supports?

We can only fund work and study support that is not better funded or provided through another program or service. We call these other supports 'mainstream services' because they are available to other Australians and are not just for people with a disability.

There are lots of mainstream services available to help you with work and study. So when we talk about the supports we can fund, we are only talking about the extra support you need because of your disability that is not provided by mainstream services.

For study, most people get the help they need through their school, university or TAFE. Talk to them if you need support to study, or even if you need help to work out what you want to study.

Example

Anton has just finished school and is excited to start studying at university. Anton isn't familiar with the university or what it's like to be a university student. He has been talking with his local area coordinator about what supports he may need. Anton thinks he'll need to be able to go over the information in lectures more than once and extra time to do exams.

Anton's local area coordinator helps him link in with the university's program for students with a disability. This program can help with recordings of lectures and extra time to complete exams. Anton doesn't need extra support through the NDIS right now, but he knows he can always talk to his local area coordinator if he needs more help in future.

For more information about work, check out our <u>webpage on finding, keeping and changing</u> jobs.

You should also look at what services are available through <u>Disability Employment Services</u> (<u>DES</u>) and <u>JobAccess</u>. We can fund support to help you get ready for a Disability

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Employment Service, or look at other supports if you need more than a Disability Employment Service can provide.

You can also read more about the <u>different organisations who provide work and study</u> <u>support here</u>.

What work or study supports can we fund if you need extra support because of your disability?		What don't we usually fund?	
•	help to build your basic work skills	•	changes to buildings where you work or study, like ramps, hoists and lifts
•	supports to help you move from school to further study, training or work	•	general equipment for work or study. For example, textbooks, computers or office equipment
•	supports not available through DES to find and keep a job	•	anything related to teaching and learning. For example, staffing, supervision, learning support, tutoring, equipment, resources or fees
•	training for your teachers or work mates about your individual disability support needs	•	cost of phone calls, photocopying, stationery, meals for training or work
•	personal care during work or study	•	equipment that an employer should provide to meet their legal and business needs, for example safety equipment
•	travel to and from work and study in some situations (<u>see transport</u> guidance).	•	equipment and general costs to start your own business
		•	general training for all employees
		•	supports provided by DES providers when you are eligible for DES.

Some of the things we don't fund might be available through DES or <u>JobAccess</u>.

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You can always <u>contact us</u> about questions you might have about work or study. You can also speak to your my NDIS Contact or support coordinator.

How do we decide if work and study supports are reasonable and necessary for you?

All NDIS supports must meet the <u>NDIS funding criteria</u>. We fund reasonable and necessary work and study supports for your disability needs.

Ask yourself the questions below. They can help you think about whether we can consider funding work or study supports for you.

Is the work or study support:

- related to your disability?
- helping you pursue your goals?
- effective and beneficial for you?
- legal and safe?
- value for money?
- something we expect informal supports or the community to provide?
- funded or provided by someone else?

Is the work or study support related to your disability?

We can fund the extra work and study supports you need for your disability. We don't fund work or study support that isn't related to your disability.¹

You may need extra help to learn about work, help to work out what you're good at, or what sort or work or study suits you. If the type of help you need because of your disability is not available through <u>DES or mainstream services</u>, we may be able to help.

If you're working, your workplace should provide supervision and support to help you understand your role. This is the same for everyone at work. But sometimes you might need extra support because of your disability. This might be things like helping you to stay on track with work tasks or helping you work as part of a team. We may be able to fund this extra help at work if you need it because of your disability and you can't get it from a Disability Employment Service.

When you're studying, you need to pay for your school or university fees like everyone else. We fund the extra support you need because of your disability. For example, we might fund things like personal care while you are at university if you need it because of your disability.

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Does the work or study support help you pursue your goals?

We need to check if your work and study supports will help you pursue your goals.² For us to fund work or study supports you need to have a goal in your plan that relates to those things. For example, you might have a goal to get a job, do some work experience, or go to university.

Learn more about setting goals.

Is the work or study support effective and beneficial for you?

We need to check the work and study supports we fund will be effective and beneficial for you. We look at whether the support will help with your disability support needs. We also look at how effective the supports have been for other people with similar needs as you.

If you are looking to study, develop your work skills, get a job, or change jobs we think about if the supports we fund are likely to help you pursue your goals.

We know building your work and study skills can take time. We think about what supports will help you to build your skills over time and what funding can help with this.

Most people will get some benefit from trying study so we think about what supports are likely to help you with this. We will talk with you to understand what you will get out of it and how the support we fund will help you. We will also consider what benefits people usually get from this kind of support. We usually don't fund supports for study if:

- you are not likely to get some benefit or outcome from the support
- it's not likely you will eventually pass the course. We do understand that some people take extra time to pass their course and that is ok. We just need to make sure the support we fund is likely to be of benefit to you
- you withdraw from the course or are expelled due to misconduct.

If the supports you need for study are aimed at helping you to get a job, we need to check that they:

- are for training provided by a qualified provider
- are likely to help you get the job you want
- mean it's more likely you will successfully finish the course
- will lead to a reasonable chance you will be able to get paid or volunteer work once you finish the course.

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Is the support for work or study legal and safe to use?

The work or study support we fund has to be legal and safe for you and other people.³ We will consider if there are any risks to you or others in using the supports we fund.

Is the support for work or study value for money?

Your work or study supports must be value for money, compared to other supports.⁴ It is important to consider:

- if there are supports that might achieve the same outcome that are less costly⁵
- if your work and study supports will help you in the long term⁶
- if your work and study supports could help you become more independent, or reduce your support needs in future.⁷

Is the work or study support funded or provided by someone else?

We might not be able to fund all the supports you need for work or study. Some supports you need for your disability might not be our responsibility to fund and may be better funded or provided through:

- mainstream services
- <u>Disability Employment Services</u> or <u>JobAccess</u>
- Department of Education, Skills and Employment
- other government departments, like your state or territory government
- your school, TAFE or university
- your business or employer.

Under the law, the place you work or study is responsible for providing you with a safe place to work or study. They should make changes to remove any barriers that stop you from being able to work or study at that place. This is to help you to take part in education, or do your work, on the same basis as someone without a disability.⁸ These responsibilities are called 'reasonable adjustments'.

Reasonable adjustments include support and changes that will help you:

- do your work tasks safely
- have the same opportunity to get a job, develop in your job and get promoted
- be treated fairly at work
- do your job as well as you can.

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For more information, check out the Australian Human Rights Commission website.

We can't fund supports that should be provided by your employer, school, university or training provider under reasonable adjustment.

We can help you work out where to get the help you need. Talk to your my NDIS Contact or support coordinator for more information.

Do we expect friends, family or the community to provide this support?

We think about whether we would usually expect family, friends or others in the community to provide the kind of supports you need.⁹

This includes thinking about the different supports that would usually be provided by family and friends at different ages. For example, we might expect a parent to help a small child get settled at the start of the school day, but this would not usually be the case for an older child at high school, or an adult at TAFE or university.

We generally expect families to provide their primary or secondary school aged children general help with homework, or getting to and from school.¹⁰ This is the same for all children, even if they don't have a disability.

We don't expect family or friends to provide personal care in the workplace or at school, because this isn't something people would usually do. More information about personal care in the workplace is available here <u>What work supports do we fund?</u>

What work or study supports do we fund?

You might need different work or study supports at different times in your life. For example, you might start thinking about work as you reach working age, during or at the end of school. We can fund different supports for your work and study now and in the future.

A great starting point for information about work is our booklet Let's Talk About Work.

What can we fund when you're at school?

We can fund extra support you need at school due to your disability. These are supports that are not primarily related to your education and learning and beyond what the school is responsible for.¹¹

What does the school fund?

Your school will fund anything that is part of your education and learning. They must also provide reasonable adjustment for your disability.

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For example, the school is responsible for making adjustments or changes to your study resources so that information is provided in a way that you will understand. They are also responsible for making sure you can get into and around your school.

The school should also make sure you have the same opportunities as other students to fully participate in class and other school activities.

What can we fund?

We can fund special training for your teachers about your individual disability support needs. We can also fund other supports you need due to your disability.

You might see **personal care in school** included in your plan. This is for things like helping you go to the toilet, eating or drinking. These supports are funded differently and you don't need to pay for them out of your plan. We refer to this as 'in-kind'. More information on personal care in schools is available here: Learn more about personal care in schools.

We might be able to fund **transport to and from school** if you can't catch the bus because of your disability, or if we wouldn't expect your family to take you. Student transport is funded through <u>in-kind arrangements</u> and provided by your state or territory government.

This arrangement will remain in place until 2023, and we are working with other governments on how school transport supports will work after this date. You don't need to pay for transport costs out of your plan. Your pre-paid transport supports will appear on your plan to show that you get that support. More information on school transport is available here: <u>Learn more about school transport</u>.

Even though you are at school, you might want **help to find or keep a part-time job** outside of school hours. If you need this extra help because of your disability, we might be able to fund support to help you build skills to get a job. This might include things like working in a team, staying on task or learning to catch the bus or train.

Work experience as part of your school curriculum is the responsibility of your school. But if you need extra supports because of your disability to be able to do work experience, we may be able to help with that.

You might also have an opportunity to do a **school based traineeship**, where you combine school, study and work. We can't fund supports that are the responsibility of your employer, school or traineeship provider. But if there are extra disability related supports you need, we might be able to fund those to help you successfully complete your traineeship.

Your my NDIS Contact or support coordinator can give you more information about these supports.

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What are the things we don't usually fund?

We usually don't fund things like:

- school fees
- 1:1 school assistants
- excursions
- textbooks or standard technology as required by your school
- after school care programs
- other things that everyone would need to pay for.¹²

What if you're finishing school (or just finished) and want to build your work skills?

Leaving school is a big step in your life. It's important to think about your work goals during your last few years of school and as you get close to the end of school.

School Leaver Employment Supports can help you get ready for work when you leave school. They can give you the chance to test different types of work, learn how to follow work tasks or how to behave at work.

School Leaver Employment Supports might be right for you if:

- you're finishing school, or you recently finished school
- you want to start working
- you need to build your skills before you can start work.

More information on employment supports for when you leave school is available here: <u>School Leaver Employment Supports</u>.

We usually fund School Leaver Employment Supports if you:

- need to build your job skills and gain practical experience before you are ready to look for work
- are old enough to leave school or have already left school and are aged 22 or under (and haven't got a job). There are different rules in each state or territory about when you can leave school.

If you're over 22, learn more about what we can fund to help you find a job.

We fund School Leaver Employment Supports in the **Capacity Building – Employment** budget.

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What can we fund if you're in university or other training?

We can consider funding the extra supports you need at university, TAFE, during an apprenticeship or other training because of your disability. The supports should allow you to go about your daily activities.¹³ This might include:

- personal care supports while you're at university, TAFE or undertaking approved placements
- transport to and from university or TAFE, if you can't drive or use public transport
- training for university, TAFE or employers (during placements) about your support needs
- support to take part in specific projects run by the university for people with disabilities.

We don't fund supports your university or TAFE need to provide as a 'reasonable adjustment', or anything as part of usual teaching.¹⁴ We also don't fund things everyone has to pay for themselves.

This means we don't fund:

- changes to the buildings to make sure you can access it, like ramps
- changes to your learning materials to make sure it suits your needs
- textbooks or general equipment you need for your education or training
- course fees.

You should talk to your my NDIS Contact or support coordinator about help available in your local area. There are lots of different support programs available and many universities have mentors and other help to support students with disability.

What if you've only just started thinking about work?

It might be that you want to work one day, but you're not sure where to start. If you want to start thinking about how to get a job we might be able to help. We could fund capacity building supports to help you build your work skills if you need extra help with this because of your disability. These are available to all working age participants, from 14 years of age, including students at school.

For instance, this could help you:

- work out what you would like to do
- test your work skills through on the job work experience

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- build your skills in work tasks, like following directions
- overcome any barriers you have experienced in finding and keeping a job
- build your skills so you can be supported by a <u>Disability Employment Service</u>, if eligible.

If it meets the <u>NDIS funding criteria</u>, we'll fund these supports in your **Capacity Building – Employment** budget.

To help work out the amount of funding and type of supports you need, we will talk to you about:

- the type of tasks you're good at and those you need the most help with
- the things you enjoy doing, or things your friends and family say you're good at
- any work or volunteering experience you've done
- how confident you feel doing things on your own and if you need help to follow instructions
- how you look after your own money
- if you need help to do things out in your community
- if you can travel on your own, or need help with this
- the things that you feel stop you from looking for work
- other activities you might be doing that help build your skills, confidence and independence.

This will help us better understand how ready you are for work and how much help you might need to get ready for work. We'll also think about who might be best to provide the support you need and whether you're ready to explore working with a Disability Employment Service provider.

Example

Tatiana is 27 years old and has never worked. She wants to work but isn't sure about what sort of work might be right for her or how much she could work.

Tatiana and her local area coordinator decide that on the job experience to learn more about her skills and interests would be a good start. Tatiana sets a goal to find out more about her capacity to work. Her planner decides it's reasonable and necessary to fund support to find work, as well as some community participation funds.

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Tatiana works with her local area coordinator to get a service provider that will help her find employers who can offer work experience. This will help her develop her skills and confidence in a work setting.

Tatiana also uses some of her NDIS funding to join a club for people looking for work. The club meets regularly as a group. This helps her build her skills and confidence in meeting new people.

As Tatiana builds a clear picture of her work interests and capacity, she may then be able to explore her eligibility for a Disability Employment Service.

What if you're ready to start work?

When you're feeling confident to start looking for a job, we might be able to fund:

- extra support to help you find work
- individual or group based on the job support once you have a job.

For some people a <u>Disability Employment Service</u> might be able to help. Disability Employment Services are free and can help you find and keep a job that suits your needs. Disability Employment Services can help you learn skills you need for work.

If you have been getting help to prepare for work with an NDIS provider, they might be able to help you find a Disability Employment Service in your area. Your local area coordinator might also be able to help.

There are a few rules about being eligible for a Disability Employment Service, but the main one is you need to be able to work at least eight hours per week within the next 2 years. That gives you time to learn about work and build up your skills over time, so you don't have to be ready to start work to get help from a Disability Employment Service.

If you think you'll need longer to get ready for work, or need more help than a Disability Employment Service can provide, we might be able to help. Talk to your support coordinator, planner or local area coordinator to get more information.

What if you already have a job?

If you have a job, you might need extra support to manage your disability and help you succeed at work. For example, you might want to work more hours or need help getting your work done as well as your employer expects.

You might also need help when things change suddenly, for example when your job changes or you get a new boss.

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In these situations, there are some supports that your employer should provide to help you. A <u>Disability Employment Service</u> may also be able to help or, there may be some supports that we could fund in addition to the Disability Employment Service.

What work supports should your employer provide?

We can't fund things at work that your employer must provide.¹⁵ This includes any reasonable adjustments your employer needs to make so your job suits your needs.

This means we don't fund:16

- wages, insurance or superannuation
- recruitment
- changes your employer needs to make to recruitment or interviews to make sure they are fair for everyone
- changes to buildings where you work, like accessible bathrooms
- equipment, computers or software to help you do your job
- travel as part of your work
- support, training and skill development that your employer needs to provide all employees
- changes your employer provides to your work to make sure you do it safely and productively, that are considered reasonable adjustment
- changes to your work to make sure you have the same opportunities and conditions as everyone else, (for example reasonable adjustments).

Your employer might be able to get funding for some of these things, such as workplace modifications outside the NDIS. This is through the <u>Employment Assistance Fund</u>.

What work supports do Disability Employment Services (DES) provide?

If a Disability Employment Service helped you to find a job, they can provide some supports to help you keep your job. They can work with your employer to make sure your job is going well, and you have all the support you need. Your Disability Employment Service will provide this support based on your needs and eligibility.

What work supports do we fund?

We can fund the extra support you need that isn't provided by your employer or a Disability Employment Service. For instance, we could fund:¹⁷

• personal care supports while you're at work

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- occupational therapist assessments to see how your disability affects how you work
- extra on-the-job training and support with your work tasks you need because of your disability
- support to help you manage your behaviour or complex needs at work
- support with other things to help you work. For example, we might fund modification of tools to suit your disability related needs.

Example

Jasmin has a physical disability and has just started working for a bank. The bank installed a ramp and set up her work desk to meet her needs. At the moment, she works short hours and goes home for lunch so she can get support to eat. She wants to increase her hours at work.

Jasmin and her support coordinator work with her employer and carers to see how Jasmin could stay at work longer. Jasmin decides to use some of her Core funding to have a carer come to work at lunch time to help her with eating lunch. That way she can get the support she needs because of her disability and stay at work longer.

What if you are self-employed or want to start your own business?

We may be able to fund supports you need because of your disability to help you work in your own business. This is where you work for yourself and not a company or business. You earn your income directly from your own business, trade or profession.

There are a number of programs that can help you if you want to work in your own business. Learn more about supports to help you start your own business.

Generally, the kinds of supports we can and can't fund if you are self-employed are similar to what is explained in the sections above. More information is available in our booklet <u>Let's</u> talk about work or from your support coordinator, local area coordinator or planner.

When do we fund ongoing supports in a job?

We'll fund the support based on your needs. We also consider your hours of work if you need day to day on the job supports. This could be support just for you, or in a group if you work with other people with disability. For example, in an <u>Australian Disability Enterprise</u>.

You might need a mix of individual support for certain tasks, and group support for other types of work. This could be:

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- **capacity building supports** to help you achieve a specific goal or overcome a problem. This is usually for a set amount of time. These funds are in your Finding and Keeping a Job budget.
- day to day supports if you need regular and ongoing help when you are at work. This is funded in your **Core** budget as part of your Social and Community participation supports. When you are in paid work, your provider will claim for these as "Supports in Employment".

You might have both capacity building and core supports in your plan.

It is important to understand that you can also use your other funding in your Core budget to help achieve your work goal.

For example, you can use your community participation funding to buy supports for activities that help you practice skills to get ready for work. You might need help to volunteer. This can be a great way to start learning about work.

What if you want to change jobs?

If you are interested in changing jobs, there is help available to do that. Most people get this help through a Disability Employment Service (DES) provider.

If you need more than what the Disability Employment Service can provide, we may be able to fund capacity building supports to help with your work skills and develop a career plan.

How do you get work and study supports in your plan?

You may have a goal to explore work or study or be supported to continue working or studying. It doesn't matter if it's a short or long-term goal. You can talk to your support coordinator, local area coordinator or planner about your goals in your plan.

We will need to understand your goals and how much support you need. We will also talk to you about what your school, university, training provider, employer or other mainstream services like <u>Disability Employment Service</u> can provide.

We look at any information we have about the kind of things you are good at and what supports you might need when we decide how much funding to include in your plan. This includes things like information from school reports or other assessments you have already provided to us.

We will also consider the things we already know about you, for example the help you need to participate in the community or look after yourself at home.

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You might like to bring a letter from your place of work or study. Work experience reports, Centrelink Job Capacity Assessment or Employment Services Assessments can also be useful.

You could also use the Let's talk about work booklet to support you conversations with us..

If you work in an Australian Disability Enterprise, we have a <u>flyer on our website</u> that explains some recent changes to your funding. There is a spot where you or your employer can fill in information as well.

What happens once you have work and study supports in your plan?

Once your plan is approved, you can start using your supports at work or when studying. Talk to your support coordinator, local area coordinator or planner for advice on how to use your funding.

You will know if these types of supports are included in your plan by the comments made by your local area coordinator or planner next to the funding budget in your plan.

We want you to make the best use of your funding even if you change your work or study. For example, if you work in an <u>Australian Disability Enterprise</u>, you could continue to use your supports in a different job, not just at the Australian Disability Enterprise.

If your needs change, you should talk to us. You might be able to <u>use your plan flexibly</u> or you might need a change to your plan. Learn more about <u>changing your plan</u>

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Reference list

- ¹ NDIS (Supports for Participants) Rules rr 5.1(b), (d).
- ² NDIS Act s 34(1)(a).
- ³ NDIS (Supports for Participants) Rules rr 5.1(a), 5.3.

- ⁵ NDIS (Supports for Participants) Rules r 3.1(a).
- ⁶ NDIS (Supports for Participants) Rules r 3.1(b).
- ⁷ NDIS (Supports for Participants) Rules rr 3.1(c), (f).
- ⁸ Disability Discrimination Act 1992 (Cth) ss 5, 6.
- ⁹ NDIS Act s 34(1)(e).
- ¹⁰ NDIS (Supports for Participants) Rules r 3.4(a).
- ¹¹ NDIS Act s 34(1)(f); NDIS (Supports for Participants) Rules r 7.14.
- ¹² NDIS (Supports for Participants) Rules r 5.1(d).
- ¹³ NDIS (Support for Participants) Rules r 7.15
- ¹⁴ NDIS Act s 34(1)(f); NDIS (Supports for Participants) Rules r 7.16.
- ¹⁵ NDIS Act s 34(1)(f).
- ¹⁶ NDIS (Supports for Participants) Rules r 7.18(a).
- ¹⁷ NDIS (Supports for Participants) Rules rr 7.17(a)-(b).

⁴ NDIS Act s 34(1)(c).



Mainstream and community supports

Quick summary: There are many services outside the NDIS that all Australians can use, whether or not they have a disability. Mainstream supports are the supports you can get from other government funded services, like health, mental health and education. There are also many support services available through community organisations, like religious groups and supports from local councils. We call these community supports. We can't fund a support if it's more appropriately funded or provided by one of these other services. Governments across Australia work together to make it clear what the NDIS and other government services are responsible for. This guideline explains how we work out whether supports should be funded or provided by us, or by another service.

What's on this page?

This page covers:

- What are mainstream and community supports?
- How do we work out who should fund or provide your supports?
- Who is responsible for the supports you need?
- What supports will we include in your plan?

You may also be interested in:

- What principles do we follow to create your plan?
- Justice system
- <u>Reasonable and necessary supports</u>
- Creating your plan
- Your plan
- Informal supports
- Supports you can access

What are mainstream and community supports?

Mainstream and community supports are the supports you get outside the NDIS. These are the supports available to everyone, whether or not they have a disability.

You can get mainstream supports from government funded services. You can also get community supports from other services in your local community.

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If you have a disability, these supports can help you become as independent as you can and participate in your community. They can often help you in ways we can't. We know people with disability achieve the best outcomes when they can get the same supports and services as all Australians.

Government and community services must ensure all Australians, including people with disability, have access to their supports. The NDIS was set up to work alongside government and community services, not replace them.

Governments across Australia work together to improve the NDIS and other government services. They help make it clear which areas of government are responsible for funding or providing different types of mainstream supports.

This guideline explains how we work out whether supports should be funded or provided by us, or by another service. We work this out based on the law for the NDIS, the government agreements made when the NDIS was set up, and new government agreements in <u>Disability</u> <u>Reform Ministers' Meetings</u>.

This guideline also has examples of supports that other government services should provide, and examples of supports we may fund.

When we make decisions, we consider the <u>principles we follow to create your plan</u>. These principles explain how we make sure you get the reasonable and necessary supports you need.

The principles also help us make sure the NDIS is financially sustainable. This means we manage our funding so we can meet your disability needs now, as well as your needs and the needs of other people with disability in the future.

For general information about mainstream and community services, check out:

- the NDIS in the community
- the NDIS and other government services.

What are mainstream supports?

There are many government supports that we all use in our everyday lives. We call these mainstream supports.

Sometimes they're essential supports like health care. Or they're supports that help us get the most out of life, so you can work and study.

You can get most of these supports through mainstream services. Mainstream services are other government services, and include things like:ⁱ

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- mental health and psychosocial disability
- early childhood development
- child protection and family support
- school education
- higher education and vocational education and training
- employment
- housing and community infrastructure
- transport
- justice
- aged care.

Everyone in the Australian community uses mainstream supports in some way.

For example, all children are entitled to access schooling. Hospitals also have a responsibility to treat everyone.

Mainstream services may need to adjust their supports to make them suitable for people with disability. These are called reasonable adjustments. They include things like providing ramps for buildings.

What are community supports?

Community supports are the supports you can get from community services. For example, you can get supports from community groups, non-government organisations, sporting clubs, local councils, church groups and charities.

Many community organisations offer a range of supports for children, teenagers, families and older people. This includes advice, information and practical help.

Community services may also need to provide reasonable adjustments, to make their supports suitable for people with disability. They include things like providing additional help to people with disability, so they can access the same activities as people without disability.

Your local area coordinator, early childhood partner or support coordinator can help you find out what community services are available in your local area. They can also help you connect to these services, and explore ways they can help you pursue your goals.

As well as your community, sometimes it's reasonable to expect your informal supports, like your friends and family, to provide the supports you need. Learn more about <u>informal</u> <u>supports</u>.

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How do we work out who should fund or provide your supports?

All supports we fund must meet all the NDIS funding criteria.

One of these criteria is that the support must be most appropriately funded or provided through the NDIS. We can't fund supports that are more appropriately funded or provided either:ⁱⁱ

- by other general systems of service delivery or support services, such as a workers compensation scheme
- under a universal service obligation that mainstream services must provide to all Australians, such as schools and public hospitals
- as a reasonable adjustment under discrimination law, such as making places or venues accessible for you.

In short, if it's more appropriate for another service to provide the community and mainstream supports you need, we can't fund it in your plan.

We can't fund supports that mainstream and community services should provide, even if the other service system doesn't actually provide it. We can't make up for other organisations and services, where it's their responsibility to fund or provide a service you need.

We also can't fund community supports if it's reasonable to expect the community to provide them.ⁱⁱⁱ For example, we usually can't include things like family support services in your plan. It's reasonable to expect community services, like local councils or community support groups, to provide family support services.

When we work out who is most appropriate to fund or provide different supports, we must follow the law for the NDIS. The law sets out the things we need to consider when we work out who should fund or provide different types of supports.^{iv}

We also follow agreements between state, territory and federal governments.^v These include:

- the <u>Applied Principles and Tables of Support</u> a government agreement that sets out the responsibilities of the NDIS and other services, for different types of mainstream supports
- government agreements and new government policies agreed in <u>Disability Reform</u> <u>Ministers' Meetings</u>.

Remember, all supports we fund must meet **all** the <u>NDIS funding criteria</u>. If we're responsible for funding the support, it must also meet all the other NDIS funding criteria before we can include it in your plan.

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Who is responsible for the supports you need?

We have separate pages that set out who is responsible for funding different types of mainstream supports. These include:

- <u>health</u>
- mental health and psychosocial disability
- early childhood development
- child protection and family support
- school education
- higher education and vocational education and training
- employment
- housing and community infrastructure
- transport
- justice
- aged care.

What supports will we include in your plan?

When we work with you to create your plan, we decide what supports meet the <u>NDIS funding</u> <u>criteria</u>. If a support meets all the criteria, including that it's most appropriately funded by us, we'll include it in your plan.

If you already have a plan, you may be able to use your funding for the supports you need. This means you might not need a plan review to buy specific types of supports. Learn more about <u>what supports you can buy with your funding</u>.

How can we help you get support from a mainstream or community service?

We'll help you link to mainstream and community services that can help you pursue your goals. This is often the best way to work towards your goals, as it helps you connect with and be part of your community.

Your early childhood partner, local area coordinator or support coordinator can tell you about mainstream and community services that could help you build your independence, and help you take part in your community.

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They can also help you connect to these services, and coordinate the supports you get from us and other services.^{vi}

Local area coordinators and early childhood partners also work with mainstream and community services to help them be more inclusive of people with disability. For example, they can help mainstream services better understand and meet the needs of people with disability.

To find out more, talk to your planner, early childhood partner, local area coordinator, support coordinator, or <u>contact us</u> for advice.

What if a support can be funded by both the NDIS and another service?

There are some supports that can be funded or provided by both us and other services. For example, some therapies may be available both under Medicare, and under the NDIS for some participants.

When we work out who is more appropriate to fund or provide the support, we think about why you need the support.

For example, if you need physiotherapy to recover from surgery, this is probably a Medicare service.^{vii} We can't include physiotherapy in your plan for this reason.

But we may include physiotherapy in your plan if:

- you need it due to the regular impact of your disability, and not for a health condition^{viii}
- it also meets all the other <u>NDIS funding criteria</u>.

Many Australians also need clinical treatment like psychology to help with mental health issues like schizophrenia, anxiety and depression. You can get these services through Medicare and the mental health system. We do not fund clinical services for mental health treatment purposes. <u>Your treating health professional</u> can give you advice on the types of treatments available.

We may fund supports that focus on your functional ability and long term recovery. For example, we may fund psychology or occupational therapy supports that help you go about your daily life, study, work, and take part in your social life and community.^{ix} We focus on supports that are directly related to helping you manage or reduce the functional impact of your disability, like social and communication skills development, regular help with medication and symptoms, and behaviour intervention and support.

In rare situations, you may be eligible for the same support under both the NDIS and another service. If so, there are a couple of things to remember:

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- If you claim a support from another service, you can't use your NDIS funding for the same support.
- It doesn't matter whether you use the support funded in your plan first, or the support from another service first.

What if you don't agree with our decision?

If a support is more appropriately funded or provided by a mainstream or community service, we can't include the support in your plan.

There are lots of ways we might be able to help though, so talk to us if you're in this situation. We can help you at any time. For example before we approve your plan, we can consider if a different support is more appropriate. If another government service should provide the support, we can help you connect with that service.

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

If you don't agree with our decision to approve your plan the way it is, you can ask for an internal review of our decision.^x You'll need to ask for an internal review within 3 months of getting your plan.^{xi} Learn more about <u>reviewing our decisions</u>.

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Reference list

- ⁱ NDIS (Supports for Participants) Rules Sch 1.
- " NDIS Act s 34(1)(f).
- ⁱⁱⁱ NDIS Act s 34(1)(e).
- ^{iv} NDIS (Supports for Participants) Rules rr 3.5-3.7, Sch 1.
- ^v NDIS Act s 118(2)(a).
- vi NDIS Act s 13.
- vii NDIS (Supports for Participants) Rules r 7.5(c).
- viii NDIS (Supports for Participants) Rules r 7.4.
- ^{ix} NDIS (Supports for Participants) Rules r 7.6.
- × NDIS Act s 100.
- ^{xi} NDIS Act s 100(2).

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Who is responsible for the supports you need?

What's on this page?

- Health
- Mental health and psychosocial disability
- Hospital Discharge
- Early childhood development •
- Child protection and family support
- School education
- Higher education and vocational education and training
- Employment
- Housing and community infrastructure
- Transport •
- Justice
- Aged care

Health

Health is about how our body works, and who helps us if we have injuries or illnesses.

The health system includes:

- government health departments
- hospitals and community health care centres
- doctors and health care professionals, such as general practitioners and • paediatricians
- medicines and treatments, for example through Medicare.

We have separate information about mental health and psychosocial disability in the next section.

We also have a guideline on disability-related health supports.

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What is the health system responsible for?

- Treating and diagnosing health conditions, including ongoing or <u>chronic health</u> <u>conditions</u>¹
- Medical services like general practitioners, medical specialist services, dental care and nursing²
- Allied health services, such as physiotherapy and optometry, to improve the health of all Australians³
- Acute and post-acute services⁴ hospital services for illness and injury, and follow-up care such as rehabilitation
- Preventive health⁵ help to stop you getting sick in the future, such as help for weight loss, or to reduce your smoking, drinking or drug use
- Care in public and private hospitals⁶
- Medicines, pharmaceuticals, and aids such as crutches⁷
- Other services that all Australians are entitled to, that aim to improve your health status⁸
- Services and therapies to help you pursue a goal or outcome over a set period of time, where the main purpose is treatment directly related to your health⁹
- Short-term services and therapies after a recent surgery or medical event, to help you pursue a goal or outcome over a set period of time, and improve what you're able to do – for example rehabilitation and follow-up care¹⁰
- Palliative care¹¹ such as end of life care
- Clinical or medical supports for young children, including acute care in a hospital setting, and outpatient and continuing care where the child doesn't stay in hospital¹²
- Newborn follow-up, such as child and maternal health services¹³

Examples of treatment and care the health system should provide

- Assessing, diagnosing, and treating illnesses and injuries, for example with therapy supports
- Assessing and diagnosing disabilities such as autism

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- Screening and referral for developmental delay including developmental concerns
- Treatment for <u>chronic health conditions</u>, such as cancer, kidney disease, lung disease, diabetes, obesity, and back pain this can include allied health therapies such as physiotherapy
- Discharge planning from hospital
- Emergency and ambulance services through your local hospital network
- Rehabilitation, restorative care and therapy after an injury, such as a spinal cord injury or a severe brain injury
- Hospital in the Home services admitted acute care services provided in your home, similar to what you get in a hospital
- Geriatric care medical care of older or elderly people
- Interim prosthetics the first prosthetic or artificial limb you get after an amputation
- <u>Assistive technology</u> and equipment to treat a medical or health condition, both at home and in hospital
- General hearing, vision and podiatry services that aren't related to your disability, such as prescription glasses, or hearing aids for older Australians
- Case management or planning that's mainly related to your health supports
- Follow-up medical supports for young children in their home after a medical event or premature birth, such as nursing care and medical supplies

What are we responsible for?

We're responsible for supports that help you go about your daily life and are related to your disability-related impairments that impact your functional capacity.¹⁴ We fund supports that are related to things you can and can't do, due to your disability, which you need on an ongoing or regular basis.

This includes maintenance supports, given or supervised by qualified healthcare staff. These are ongoing supports that help you keep your body's functions and abilities. This could include long term therapy or support, to improve your abilities over time or stop things from getting worse.

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We're responsible for these maintenance supports if:

- the support is directly related to your disability-related impairments that impact your functional capacity – the things you can and can't do because of your disability
- you also need the support so you can continue to live in the community, study or work.

Remember, if we're responsible for funding the support, it must also meet all the other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund

- Supports to help you live at home, such as <u>personal care supports</u>, help to learn how to manage your personal care, and home modifications
- Regular therapy that's directly related to the things you can and can't do because of your disability for example, occupational therapy, physiotherapy or speech pathology
- Help to plan the ongoing disability-specific supports you'll need, after you're discharged from a hospital or other inpatient health service
- <u>Prosthetics</u> and orthotics that relate to your disability artificial limbs and aids to help make your arms, legs, and other body parts stronger, such as leg braces
- Hearing and vision supports that relate to your disability
- Training, delegation and supervision of care for <u>disability-related health supports</u> that is, a registered nurse may train an enrolled nurse, support worker or informal supports, and provide periodic supervision and oversight
- Communication or behaviour support when you're going to a health service, or go to hospital but not admitted as an inpatient
- Training for hospital staff in your disability specific needs if you're admitted in hospital as an inpatient
- Training NDIS funded support staff so that they understand your needs
- <u>Assistive technology</u> to help you be as independent as possible at home and in the community, including for <u>disability-related health supports</u> such as catheter changes.

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- Regular supports you need for your disability, if you're already a participant and start receiving palliative or end-of-life care these supports can work alongside the palliative care you get from the health system
- Assessment by health professionals to help us plan and think about your disability support needs
- Help to plan and coordinate your supports if you need both health and disability services this could be an early childhood partner, local area coordinator or support coordinator

Example

Sami is quite sick and is taken to hospital. The hospital staff say he will need to be admitted to hospital for a few days. Sami uses a communication device to help him to speak to the hospital staff.

The health system should provide all the support he needs for his illness. For example, hospital staff may do medical tests, provide medicine, and perform any surgery Sami needs.

The health system may also have a follow-up appointment a few weeks after he leaves hospital, to make sure he is well. The health system should provide any rehabilitation Sami needs to recover from the illness.

We may fund training for hospital staff about Sami's disability support needs. For example, we may fund a support worker to handover communication information, and help staff learn how Sami uses his communication device. This will help the hospital staff better understand and meet Sami's support needs during his stay.

Mental health and psychosocial disability

If you have a psychosocial disability, you may need regular or ongoing mental health treatment services.

The mental health system is generally responsible for clinical services such as diagnosis and treatments. The mental health system includes:

- government mental health departments, agencies, and services
- patient care in public and private hospitals, inpatient mental health facilities, and other residential care
- specialist doctors, psychiatrists, psychologists and health care professionals
- community mental health care services.

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We're generally responsible for supports that are not clinical in nature, and focus on:

- improving or maintaining your functional ability, and your recovery
- helping you increase your independence
- your social and economic participation.

Learn more about mental health and the NDIS.

What is the mental health system responsible for?

- Clinical acute mental health supports care in a hospital or similar setting¹⁵
- Clinical outpatient and continuing care mental health care where you don't stay in hospital¹⁶
- Clinical rehabilitation and recovery for your mental health¹⁷
- Clinical early intervention mental health supports, such as services to help children, teenagers and young people grow and develop¹⁸
- Mental health residential services, where the main reason is treatment or rehabilitation, or where the staff are mainly clinical or medical¹⁹
- Help with other issues or conditions you may have alongside a psychosocial disability, where the issue or condition is clearly the responsibility of another service system²⁰ – this may include services funded by Medicare

Examples of treatment and care the mental health system should provide

- General practitioner and psychiatry services
- Diagnosing and treating mental health conditions
- Inpatient mental health treatment and care
- Rehabilitation
- Engagement with allied health professionals such as psychologists, counsellors and social work services for mental health treatment
- Prescribing medication for mental health conditions, including medication on the
 <u>Pharmaceutical Benefits Scheme</u>
- Step up services services to prevent you from going to hospital or a mental health facility

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- Step down services follow up services after you stay in hospital or a mental health facility, which can include secure and custodial mental health facilities learn more in our guideline for the justice system
- Psychogeriatric care care of older or elderly people with a mental health condition
- Clinical mental health supports to help you transition to a new life stage
- Help to plan and coordinate your mental health supports with your NDIS supports

 this includes help during your discharge, and working with your recovery coach
 or support coordinator to help you transition back into the community
- Hospital in the Home services admitted acute care services provided in your home, similar to what you get in a hospital

What are we responsible for?

We're responsible for supports that focus on your functional ability and long term recovery, and are not clinical.²¹ That is, we may fund supports to help with the things you can and can't do due to your disability.²²

If you have a mental illness or psychosocial disability, we're responsible for supports that help you:²³

- do activities of daily living that is, go about your daily life
- take part in your community, your social life, study and work
- regain and rebuild skills and confidence in your usual activities of daily living.

Remember, if we're responsible for funding the support, it must also meet the other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund

- Skill development, such as capacity building supports to learn everyday life skills, manage your money, plan your day and make decisions
- Capacity building supports to help you live at home, for example help with <u>personal care</u>, <u>home and living supports</u>, and help with cooking and cleaning
- Social skills development, such as capacity building supports that help you manage social relationships, take part in social skills day programs, or connect to people and places in your community

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- <u>Social and recreation support</u>, if you need help to join social activities, sporting clubs or community groups
- Help to find somewhere to live and to manage your rental or home ownership responsibilities, where you need this support because of your disability
- Support from allied health professionals, like psychologists or mental health occupational therapists, who are directly related to helping you manage or reduce the functional impact of your psychosocial disability – this could include social and communication skills development, regular help with medication and symptoms, and behaviour intervention and support
- Help to plan and coordinate your NDIS supports with your mental health supports, such as a <u>recovery coach</u> or support coordinator
- Help to transition to a new life stage, including hospital discharge, where you need this support because of your disability.

Example

Alan lives with his friend. He is studying part-time and enjoys caring for his pets.

Over the last couple of months, Alan needed more supports than usual, and was living in an inpatient hospital setting. He's now looking forward to going back home and living independently, starting his studies again, reconnecting with his friend, and spending more time in his community.

The mental health system should provide Alan with clinical supports that focus on treatment, provided through his engagement with his psychologist and psychiatrist.

The mental health system should also provide the supports Alan needs to transition back to his home from the inpatient facility. This may include a clinical case manager, who has regular contact with Alan.

Alan may use the supports in his plan to help him with his daily life and spend more time in the community. For example, Alan could ask his <u>recovery coach</u> to join discussions with Alan and his clinical team. Together, they can plan for the supports he'll need when he moves back home.

This helps Alan to engage with his treatment and supports, based on his goals and treatment. It also means Alan has other supports in his plan that he can use alongside his clinical supports.

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We may also fund capacity building supports that Alan needs for his disability after he moves home, and that help Alan with his goal to live independently. For example, we could fund supports to help Alan set up a new cooking and cleaning routine, as well as supports to help Alan with personal care.

We may also fund allied health supports, such as occupational therapy. This can help Alan learn skills to live independently and build his capacity to participate in his community. Alongside his NDIS supports, he can continue to get support from his psychologist and psychiatrist funded by the mental health system.

Hospital discharge

We want you to be able to leave hospital as soon as possible.

We have <u>health liaison officers</u> and a hospital discharge team to support you to leave hospital. If you are a participant, or if you might be eligible for the NDIS, our health liaison officers work with you and your health team during your hospital stay.

They will work together to make sure you have the supports you need to leave hospital when you are medically ready to leave.

NDIS <u>health liaison officers</u> work with hospital staff to support you and to understand what support you need when you leave hospital. The hospital will assign a dedicated contact person, called a health lead, to work with the NDIS <u>health liaison officer</u>.

What do Health Liaison Officers do?

NDIS Health liaison officers work with health leads on a case-by-case basis. With your consent, they'll discuss:

- how long you've been in hospital
- why you went into hospital
- when you're will be ready to leave hospital
- your health and disability support needs
- any changes to your disability support needs
- any further information we might need.

The health liaison officer can support you with <u>applying to the NDIS</u> and work with you and the health lead on your NDIS application. If you're a participant, they can help organise a change to your plan, if needed.

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What is the Health system responsible for?

The Health system will:

- tell us you've been admitted hospital
- provide us with a dedicated contact person at the hospital
- make a plan for you to leave hospital
- provide assessments and evidence of your support needs
- tell us when you are likely to be ready to leave hospital
- make sure it's safe for you to leave hospital
- work with your support coordinator to connect you with mainstream supports.

What are we responsible for?

If you're already a participant, we'll:

- contact you (or your nominee or guardian) within 4 days of being told you are in hospital
- contact your health lead within 4 days of being told you are in hospital
- make sure you have a health liaison officer allocated to you to assist with your situation, as well as connecting you with a planner
- get your consent to share information with the Health system
- identify the supports you need when you leave hospital
- approve changes to your plan within 30 days, using evidence from your hospital discharge summary.

If you're not a participant, and you want to apply to the NDIS, we'll:

- help you apply to the NDIS. We'll make an access decision within 7 days of receiving the information we need.
- work with you to develop your NDIS plan. If you are eligible for the NDIS, we will approve your NDIS plan within 30 days.

What happens if you're already a participant?

If you're a participant, the hospital staff will contact us and let us know you're in hospital. They'll ask you for your consent to share information with us. We'll also ask for your <u>consent</u>

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to share information with the hospital if you haven't already provided this. This is so we can talk to the hospital about planning for your discharge.

We'll contact you (or your nominee or guardian) within 4 days of being told you're in hospital. If you need a change to your support needs to support your discharge from hospital, the NDIS health liaison officer can arrange this. Learn more about <u>changing your plan</u>.

If the NDIS health liaison officer needs additional information to support a change to your plan, they'll ask your health lead for this information.

If you need a change to your plan so you can be discharged from hospital, a planner from the hospital discharge team will have a planning meeting with you (or your nominee or guardian). In most situations, your new plan will be approved within 30 days from when we are told you're in hospital. Sometimes, because of your situation, and the gathering of reports and evidence about your support needs, it may take longer to approve the changes to your plan. If the changes to your plan might take longer than 30 days to approve, your planner will talk about this with you.

The changes to your plan will focus on the supports you need to return home. For example: personal care supports, additional support coordination, assistive technology and home and living supports. Supports we fund in this plan must meet the <u>NDIS funding criteria</u>. If you need <u>home and living supports</u> added to your plan, the NDIS health liaison officer will support you to explore what home and living supports are right for you. They will also help you get the evidence we need to decide what home and living supports to include in your plan.

Sometimes <u>Medium Term Accommodation</u> can help you move out of hospital sooner and into your long term home. For example, you might be medically ready to be discharged from hospital but are waiting for your home modifications to be completed. Or you might be waiting for your Specialist Disability Accommodation to become available. Learn more about <u>Medium Term Accommodation</u> following hospital discharge.

If your discharge date changes, your health lead will contact the NDIS health liaison officer to talk about any concerns.

What happens if you're not a participant?

If you're not a participant, and might be eligible for the NDIS, the hospital staff and the health liaison officer will help you <u>apply to the NDIS</u>.

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Once you give us the information we need, we'll decide if you are eligible for the NDIS within 7 days of receiving the information. If you are eligible for the NDIS, we will create your plan with you and make sure it is approved within 30 days.

Early childhood development

Early childhood development is about how young children grow and develop.

The early childhood development and care sector can include:

- government departments responsible for childcare and early learning
- childcare and early learning centres
- family day care programs
- playgroups
- early learning programs.

When we say reasonable adjustment, this means reasonable changes that services need to make so they are accessible for people with disability.

What is the early childhood development sector responsible for?

The early childhood development sector is responsible for meeting the early childhood education and care needs that all children should have access to, including children with developmental delay or disability.

Sometimes children may need <u>inclusion supports</u> to help them join early childhood learning and care settings.²⁴ These supports are specifically to help children use services that all young children are entitled to access, such as school readiness programs to help children prepare for school.²⁵

Examples of supports the early childhood development sector should provide

- Help so children can take part in an early childhood education and care service this may include using strategies to support a child's behaviour, learning assistance, modified computer hardware, education software or braille books
- Reasonable adjustments to access an early childhood facility, such as ramps, lifts, hearing loops, or other capital works
- Fixed or non-transportable equipment and aids within an early childhood facility, such as hoists

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- Transport to take children out on learning activities, such as excursions
- Case coordination that's mainly related to early childhood supports

What are we responsible for?

We're responsible for supports that are specific to a child's developmental delay or disability. This might be if a child needs more support than other children of a similar age, and more support than what early childhood services must provide as a reasonable adjustment.²⁶

This includes early intervention supports that children need to help build their skills, because of their developmental delay or disability. We may fund supports that are both:

- focused on improving a child's daily living skills, such as communicating with those around them, participating in social activities, and completing self-care tasks such as dressing²⁷
- likely to increase a child's independence and reduce how much NDIS support a child needs in the future, for example with a series or mix of different supports.²⁸

Remember, if we're responsible for funding the support, it must also meet all the other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Early childhood partners deliver a nationally consistent early childhood approach. Our early childhood approach is for children younger than 6 with developmental delay or younger than 9 with disability. Children younger than 6 who do not fully meet the definition of developmental delay and have developmental concerns will also be supported through the early childhood approach.

Early connections are part of our nationally consistent early childhood approach, to support children younger than 9 and their families. They are funded by the NDIS and available when you have concerns about your child's development, or if your child has a disability. Your child doesn't need to be an NDIS participant. They can get help with early connections even if they don't have a diagnosis.

Learn more about the <u>early childhood approach</u> and <u>early connections</u>.

Examples of supports we may fund

- Early intervention therapies that help children with developmental delay or disability to increase their level of functioning
- Specialist support and training for early childhood and care staff about a child's specific disability or developmental delay needs

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- Support to manage any behaviours of concern children may have because of their developmental delay or disability
- <u>Assistive technology</u> children may need, such as wheelchairs or personal communication devices
- Personal care supports in early childhood centres, for children who need more support than what early childhood centres should provide this may include specialist help with feeding, or managing airways or ventilation
- Specialist support to help children transition to school, where it's more than what early childhood and education systems provide.

Example

Rose is 4 years old and will be starting childcare soon at the local childcare centre. Rose uses a wheelchair to move around. Rose's parents want her to be able to join in the same activities as the other children at the centre who are a similar age.

The childcare centre should provide any reasonable adjustments to the building to help Rose move easily in, out and around the childcare centre. This might include things such as ramps or lifts. The childcare centre should also make their programs accessible, so Rose can fully participate in her wheelchair.

We may fund training for the childcare centre staff to help them better understand Rose's support needs. This could include training for staff on how Rose uses the toilet.

Child protection and family support

Child protection and family support services help keep children safe, and help families care for their children.

The child protection system means the state and territory governments who are responsible for child guardianship, child protection services, and other supports that keep children and families safe.

When we say family support, we mean the community services available to children and families.

When we say statutory home-based out-of-home care, this is where:

- a state or territory government determines a child can't live in their family home
- the child now lives in a foster or kinship carer's home

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• the state or territory government pays for the expenses of caring for the child.

What are the child protection and family support systems responsible for?

- Statutory child protection services for families who have entered, or are at risk of entering, the child protection system.²⁹
- General parenting programs, counselling or other supports for families at risk of entering the child protection system, and to the broader community this includes adjusting these programs to make them suitable for families with disability.³⁰
- For children in out-of-home care, supports that other children at a similar age and in similar out-of-home care arrangements need, including respite and other support for carers.³¹

Examples of supports the child protection and family support system should provide

- Guardianship arrangements for children who have entered the statutory child protection system.
- Services that accept, assess and respond to child protection reports.
- Support to arrange placements for children who need out-of-home care.
- Supports to keep children's out-of-home care placements going.
- Short breaks or respite for children in statutory home-based out-of-home care to support the caring arrangement, both for children with and without disability.
- Supports that all children will need in out-of-home care, including both children without disability and children with disability or developmental delay.
- Support for families and other people who care for children in out-of-home care, such as foster and kinship carers.
- Providing accommodation to children who need out-of-home care.
- Care allowances and payments for people providing care to children in out-ofhome care.
- Support to plan and coordinate supports where there are child protection, family support or family violence issues.
- Community awareness of children's safety and wellbeing.

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• Therapy supports for children in out-of-home care related to any trauma they have experienced, unless the therapy is directly related to the child's developmental delay or disability.

What are we responsible for when it comes to children in out-of-home care?

For children in out-of-home care, we're responsible for supports that are specific to the child's developmental delay or disability. This means we're responsible for the extra supports children need because of their developmental delay or disability, compared to other children of a similar age and in similar out-of-home care arrangements.³²

Out-of-home care arrangements are different across Australia. So, the reasonable and necessary supports we fund in out-of-home care arrangements will reflect each child's individual needs and situation.

Governments across Australia agree on who funds different supports for children in out-ofhome care arrangements. You can find more information about these Disability Reform Ministers' Meetings agreements on the <u>Department of Social Services website</u>.

Remember, if we're responsible for funding the support, it must also meet all the other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund for children in out-of-home care

- Personal care support outside school hours, where the child needs much more support than other children the same age due to their disability
- Skill building supports, such as learning daily life skills, communication skills and social skills
- Short breaks or respite to sustain caring arrangements in statutory home-based out-of-home care where the child and carers need this because of the child's developmental delay or disability
- In-home support for carers in statutory home-based out-of-home care, where children need this support due to their developmental delay or disability
- Home modifications when living in a long-term home in a family-like setting
- Therapy and behaviour support related to a child's disability
- <u>Assistive technology</u>

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What are we responsible for when it comes to children who aren't in outof-home care?

We're responsible for supports that families need as a direct result of a child's developmental delay or disability, and that help families and carers sustainably maintain their caring role. These may include supports such as:³³

- social and recreation support
- therapy and behaviour supports
- <u>short breaks or respite</u>
- assistive technology.

Remember, if we're responsible for funding the support, it must also meet all the other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund for children who aren't in out-of-home care

- Disability-specific parent and carer training programs, if a child has developmental delay or disability, or if a parent has a disability
- Short breaks or respite to support families to care for their children, and where children and families need this because of the child's developmental delay or disability
- Support to plan and coordinate supports related to the child's developmental delay or disability, including those provided through child protection and family support services

What about short breaks or respite for children in statutory home-based out-of-home care?

State and territory governments provide short breaks or respite for carers of children in statutory home-based out-of-home care. They're responsible for short breaks or respite for all children in out-of-home care, with or without disability.

We may also fund short breaks or respite for children with a disability in statutory homebased out-of-home care. If it meets the <u>NDIS funding criteria</u>, we'll fund short breaks or respite that children and carers need because of the child's developmental delay or disability.

If you're eligible for both types of short breaks or respite, you can use both of them. You can also choose which type you want to use first.

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Example

Mai is 10 years old and lives in statutory home-based out-of-home care. She has been living with her foster carers for 3 years. Mai has needed more disability support in recent months, and her home-based placement is at risk of breaking down.

The child protection system should provide supports to Mai and her foster carers to help the placement continue. This includes short breaks or respite with another foster family for one weekend a month, which gives Mai and her carers a temporary break from the usual care arrangement. The child protection system should also provide therapy supports for any trauma that Mai has experienced.

We may fund supports that Mai and her foster carers need because of the impact of her increased disability needs. This could also include short breaks or respite if Mai needs this extra support because of her disability. We may also fund additional therapy supports, behaviour supports and supports to help Mai with her communication and social skills.

Mai and her carers can choose which funding for short breaks or respite to use first. For example, they could choose to use the short breaks or respite funded or provided by the child protection system first, then use the short breaks or respite in her plan later in the year.

School education

The school education system includes all primary schools and high schools. This includes public schools, independent and religious schools, and schools for students with disability.

When we say reasonable adjustment, this means reasonable changes that services need to make so they are accessible for people with disability.

We also have a guideline about work and study supports.

What is the school education system responsible for?

The school education system is responsible for supports where the main purpose is to help you learn, study and achieve education outcomes. This includes:³⁴

- adjusting teaching methods
- providing learning assistance and aids
- modifying the school building
- providing transport between school activities, such as to excursions and sporting carnivals.

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Examples of supports the school education system should provide

- Making changes to school buildings so that students can access the school, such as ramps, lifts and hearing loops
- Providing fixed <u>assistive technology</u> that students may need in the school, such as hoists, and other items that can't be moved around
- Providing learning aids or electronic equipment needed for learning, such as modified computer hardware, education software and braille textbooks
- Inclusion supports, such as an Auslan interpreter, that students need to help them learn
- Teaching and learning assistance from teachers and other school staff in places other than school, such as alternative education and home-school settings
- Changes to the curriculum to meet students' learning needs
- Day-to-day support and supervision of school-age participants, whether they are at school, excluded from school or attending school on reduced hours
- General support, tools, training and awareness building for teachers and other school staff to support and engage students with a disability
- Therapy delivered in schools for education purposes, such as allied health practitioners helping classroom teachers to make adjustments to the curriculum
- Case coordination for a student's educational supports
- Reducing school fees for families with financial difficulties

What are we responsible for?

We're responsible for supports for everyday activities that you need because of the functional impact of your disability and aren't related to learning. This includes:³⁵

- personal care and support at school learn more in our guideline for <u>work and</u> <u>study supports</u>
- transport to and from school learn more in our guideline for <u>work and study</u> <u>supports</u>
- specialist support you need to transition to higher education, training or work because of your disability.

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Remember, if we're responsible for funding the support, it must also meet all the other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund

- <u>Assistive technology</u> that students need no matter what activity they're doing, such as hearing aids, wheelchairs, personal communications devices
- Specialised support and training for school staff to help them understand and carry out a student's specific support needs, such as specialised behaviour intervention and support
- Therapies to help students improve what they can do, if the therapy isn't related to education
- Support to build a student's capacity for independent living and self-care
- Support to develop social and communication skills
- Specialist behaviour management plans
- Specialist help students need for their disability to transition to primary school or high school, where it's more than the transition supports that schools must provide
- Travel training so students can travel to school independently
- Help to plan and coordinate the supports a student receives from the NDIS, from their school, and from other services
- Help for students to find or keep a part-time job
- School Leaver Employment supports to help students get ready for work when they leave school

Example

Anna is starting high school soon. She wants to attend full time, like other students. Anna often takes longer to learn new things than other students and needs behaviour support to help her while she is at school.

The school education system should provide supports to help Anna learn while she is at school. The school can adjust the curriculum and their teaching methods to better suit her needs. This could include providing a teacher's aide, allowing extra time to complete school work, and making easy-read versions of lessons that Anna can use.

We may fund other supports that Anna needs because of her disability, to help the school and teachers adapt to Anna's needs. For example, we may fund a specialised behaviour

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management plan and supports to help the teachers help her behavioural, social and communication skills.

We also may fund specific training for teachers and staff at Anna's school about Anna's disability support needs, so they know the best ways to teach her.

Higher education and vocational education and training

Higher education, vocational education and training includes organisations like:

- university
- technical education and training such as TAFE
- community learning centres
- Registered Training Organisations.

When we say the higher education system, we mean these organisations and the government departments responsible for them.

When we say reasonable adjustment, this means reasonable changes that services need to make so they are accessible for people with disability.

We also have a guideline for work and study supports.

What are the higher education and vocational education and training systems responsible for?

The higher education and vocational education and training systems are responsible for supports that mainly relate to helping you learn and study. This includes:³⁶

- providing teaching and learning assistance
- aids and equipment to help you learn
- building modifications
- transport between education or training activities
- general support to transition to work, such as career guidance or work experience placements as part of your studies.

Examples of supports the higher education system should provide

- Learning-specific aids, <u>assistive technology</u> and resources, such as modified computer hardware, education software, and braille textbooks
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- Making changes to the curriculum to meet your individual learning needs
- Supervising you while you learn if you need extra help
- Supports that will enable you to take part in teaching and learning, such as an Auslan interpreter
- Education and training for staff about how to support and engage you
- Building changes such as ramps, lifts, hearing loops and capital works, which will allow you to access the facility
- Fixed <u>assistive technology</u>, such as hoists for your personal care needs
- Therapy supports to assist with educational achievement or taking part in the curriculum
- Specialist case coordination that's mainly related to your education and training supports

What are we responsible for?

We're responsible for supports you need for everyday activities because of the functional impacts of your disability and aren't related to learning. This includes:³⁷

- personal care and support, such as help with eating, or managing airways and ventilation
- <u>transport support</u> to and from the education facility, if you can't use public transport without great difficulty due to your disability
- specialist support that you need to transition to work because of your disability.

Remember, if we're responsible for funding the support, it must also meet all other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund

- <u>Assistive technology</u> you need no matter what activity you're doing, such as hearing aids, wheelchairs, personal communications devices
- Specialist disability training for university, vocational education, training providers or employers during placements, about your support needs
- Help to coordinate your NDIS supports with the education and training supports you get from other services, for example a Local Area Coordinator or Support Coordinator
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- Therapy supports that help you with general life skills and help you work, study, or join social activities
- Support to take part in specific projects run by the university for people with disabilities
- Fees for courses (often provided in disability or community group settings) that develop your capacity to live independently, if they're not delivered by the higher education and training system this could be skills in self-care, social and communication, and work readiness

Example

Marco is starting TAFE next year. Marco has a vision impairment and wants to find out what supports he can get to help him at TAFE.

The TAFE should provide supports that will help Marco learn and study. This could include learning-specific aids and resources, such as electronic versions of textbooks and screen reading software on TAFE supplied equipment. The TAFE should also provide any reasonable building modifications to support learning, such as installing hand rails and wayfinding aids to help Marco move around safely.

If it meets the other NDIS funding criteria, we may include an electronic hand held magnifier in Marco's plan. Marco needs it to read, both at home and at TAFE. We may also fund other supports that Marco needs, which aren't related to his TAFE studies. For example, we could fund travel training to help Marco learn how to get to TAFE safely on his own.

Employment

Employment can include paid full-time, part-time or casual work for a business or organisation, or being self-employed.

When we say the employment system, we mean:

- government employment services and programs for people with disability and employers
- employers and their responsibility to provide a safe, inclusive, accessible and supportive workplace for people with disability.

When we say reasonable adjustment, this means reasonable changes that services need to make so they are accessible for people with disability.

We also have a guideline for work and study supports.

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What is the employment system responsible for?

The employment system is responsible for employment services and programs. This includes general employment services for all Australians, and disability-specific employment services such as <u>Disability Employment Services</u>.³⁸

For example, employment services provide advice and support for people with disability to prepare for, find and maintain jobs.³⁹

The employment system also helps employers hire and include people with disability in the workplace. This includes:⁴⁰

- support, training and resources
- funding assistance to make <u>reasonable adjustments</u>, such as workplace equipment through the <u>Employment Assistance Fund</u>
- incentives to hire people with a disability, such as wage subsidies.

Employers are responsible for work-specific support related to your recruitment, your job arrangements, and your workplace environment. This includes:⁴¹

- training and induction when you start a new job
- workplace modifications and workplace equipment that allows you to do your job, including those that can be funded by the <u>Employment Assistance Fund</u>
- transport within work activities
- workplace support to follow disability discrimination laws, such as reasonable adjustments.

Examples of supports the employment system should provide

- Support from employers to ensure accessible recruitment processes, work arrangements and transport for you within work activities
- Making reasonable adjustments so you have the same opportunities as other Australians to get a job, get promoted, and be treated fairly at work
- Changes to your workplace so you can access it
- General employment-related planning and support, including support to transition to work and <u>ongoing support</u> once you have a job
- Work specific aids and equipment you need for your disability to perform your work tasks
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- Help to coordinate the supports you get related to employment
- Short-term therapy support where the main purpose is for employment, sometimes provided by an employment program such as <u>Disability Employment Services</u>

What are we responsible for?

- Supports you need for your daily life whether you're working, looking for work or not looking for work⁴²
- Personal care and support in the workplace,⁴³ such as help to go to the toilet, eat and drink while you're at work
- <u>Transport support</u> to and from work, if you can't use public transport without great difficulty due to your disability⁴⁴
- Supports you need on a regular and ongoing basis to help you find and keep a job

 we may fund these supports if you're able to work, but are unlikely to find or
 keep a job, even with an employment service⁴⁵
- Support to transition to work, when you need extra support because of your disability, compared to other Australians – this includes training about workplace relationships, communication skills, wearing the right clothes, getting to work on time, and travelling to and from work⁴⁶

Remember, if we're responsible for funding the support, it must also meet all other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

Examples of supports we may fund

- Capacity-building supports to help you learn about work and get work-ready for example communication supports, travel training, and learning how to work in a team or follow instructions
- Supports to help you work out what kind of job you want and build your confidence to work, for example by arranging on-the-job experience
- Support to plan and coordinate your NDIS supports with the supports you receive from your employment service
- <u>Assistive technology</u> related to your functional needs, such as a wheelchair
- Personal care supports at work, such as help to eat, drink or go to the toilet
- Help to prepare you for active job seeking, including information, career planning and linking you with the mainstream support from <u>Disability Employment Services</u>

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- On-the-job support once you get a job, if you're unlikely to keep your job even with an employment service
- Occupational therapist assessments to see how your disability affects how you work and to help you become more productive
- Extra on-the-job training and support with your work tasks that you need because of your disability, which is above what you can get through reasonable adjustments or a Disability Employment Service for example, extra support to help you manage your behaviour or complex needs at work
- Support with other things to help you work, such as modification of tools to suit your disability-related needs when unable to be provided through the <u>Employment</u> <u>Assistance Fund</u>

Example

Jin is about to start a new job. Jin's new office will need some modifications, such as a modified workstation and chair, so they can do the job safely. Jin will also need support to get ready and to travel to work each day.

The employment system should provide any reasonable adjustments that Jin needs while at work. This includes any aids and workplace equipment, through the Employment Assistance Fund, which will help Jin to do their job.

Disability Employment Services should provide Jin and the employer with advice or support needed to help prepare for the new job. Disability Employment Services will continue to support both Jin and the employer for as long as is needed once Jin starts work.

We may fund supports that help Jin learn or keep their new job if the support is more than what Disability Employment Services should provide. This could include support to learn the job and to be productive.

We may fund a support worker to help Jin get dressed and ready for work each day. And we may fund training for Jin to support them to travel to and from work independently. In the longer term, we may support Jin to learn new skills and progress their career.

Housing and community infrastructure

Housing includes things like making sure you have a home to live in, that suits your needs. It could be social housing, including public and community housing.

Community infrastructure means things like public buildings and public places.

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The housing and community infrastructure system includes:

- social housing authorities
- government agencies responsible for affordable housing and homelessness
- local councils and other governments responsible for town and city planning.

When we say housing, we mean the building itself, like a house or apartment. This doesn't include the supports you can get in your home, like support workers. For more information on the supports you can get in your home, check out our guidelines for <u>home and living</u> <u>supports</u>.

When we say reasonable adjustment, this means reasonable changes that services need to make so they are accessible for people with disability.

There are very limited situations where the NDIS funds housing. The housing and community infrastructure system is primarily responsible for housing and homelessness services.

What is the housing and community infrastructure system responsible for?

- Housing and accommodation for people who need it this includes making sure all Australians, including people with disability, have access to accessible, affordable and appropriate housing⁴⁷
- Routine rental tenancy support,⁴⁸ such as helping you with any questions or issues about your property, and helping you work with your landlord
- Making sure new social housing has <u>Livable Housing Design</u> features where possible⁴⁹
- Supports and outreach for people who are homeless, or to prevent people from becoming homeless⁵⁰
- Emergency and long-term accommodation for people who are homeless or at risk of homelessness⁵¹
- Improving community facilities, public buildings and public places by making them more accessible for people with disabilities for example, through zoning laws and city planning, building modifications and reasonable adjustments.⁵²

Examples of supports the housing and community infrastructure system should provide

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- Social housing, including making social housing suitable for people with disability through home modifications
- Making sure community infrastructure is accessible to you, such as disability parking or disabled toilets
- Intensive case coordination that's mainly related to housing supports
- Housing support services to help with the cost of renting or buying a home, such as rental bonds, mortgage relief and home buying assistance.

What are we responsible for?

- Supports to help build your capacity to live independently in the community, where these are needed due to your disability support needs. For example, to build your:
 - daily living skills to manage your household
 - o capacity to manage money and keep a rental agreement
 - o social and communication skills including behaviour supports.
- Support to help you find and maintain suitable housing, where this is required due to your disability support needs.
- Home modifications for private dwellings that is, if you own or rent your home, and it's not social housing.⁵³
 - In some rare cases, we may fund home modifications in 'legacy' or older social housing where the modifications are additional to reasonable adjustment and specific to your disability support needs.⁵⁴
- <u>Specialist Disability Accommodation</u>⁵⁵ in rare situations, if you have an extreme functional impairment or very high support needs.

Other than specialist disability accommodation, we generally don't fund housing.

Remember, if we're responsible for funding the support, it must also meet all other <u>NDIS</u> <u>funding criteria</u> before we can include it in your plan.

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Examples of supports we may fund

- Support you need because of your disability to learn living skills, such as how to take care of your home, or how to cook or clean
- Support you need for your disability to help you find somewhere to live and keep living there this could include help to go to inspections or learn to pay rent on time
- Support to plan and coordinate your housing from other services, with your NDIS supports
- Support if you're at risk of, or are homeless, to help you get and keep secure and stable accommodation if you need the support because of your disability.

Example

Sid needs to urgently move out of his share-house. He's looking for a rental property to live by himself for the first time. He's at risk of homelessness because he is on a low income. Due to his disability, he needs help to learn how to take care of his new home when he finds one.

Sid goes to his state housing authority for emergency help to find a place to live. The housing authority are responsible for providing Sid support to prevent him becoming homeless. They will help get Sid emergency short term accommodation and can help him find a home to rent longer term. They may also help with some of the cost of renting the home, such as rent assistance.

We may fund supports that Sid needs because of his disability to help him live independently in his home. This could include support to help him go to rental inspections and learn to pay his bills on time. We may also fund support to help Sid learn useful daily life skills, such as cooking, cleaning, and taking care of his new home.

Transport

Transport options can include walking, cycling, cars, buses, trains and trams. The transport system includes:

- government departments responsible for roads, footpaths, railways and waterways
- public transport
- taxi and rideshare operators.
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When we say reasonable adjustment, this means reasonable changes that services need to make so they are accessible for people with disability.

You can find more information on our transport page.

What is the transport system responsible for?

The transport system is responsible for transport infrastructure to meet the needs of all Australians, including those with disability, such as roads, footpaths, train lines, waterways, and disability parking.⁵⁶

It is responsible for making sure public transport is accessible for you, such as at stations and stops, and on vehicles like buses.⁵⁷ The transport system makes sure transport providers follow discrimination laws in transport services.⁵⁸

The transport system also looks after travel fare concessions for people with disability.⁵⁹

Examples of supports the transport system should provide

- Public transport services for all Australians, such as buses and trains
- Reasonable adjustments that transport providers and operators make so you can use them, such as ramps and lifts for public transport

What are we responsible for?

- Support to help you travel independently, such as training to use public transport or assistive technology to help you travel⁶⁰
- Vehicle modifications for private vehicles that is, modifications for cars or other vehicles you or your carers own, but not modifications for public transport or taxis⁶¹
- <u>Transport funding</u> for the reasonable and necessary cost of taxis, rideshares or other private transport, if you can't use public transport without great difficulty because of your disability⁶²

Remember, if we're responsible for funding the support, it must also meet the all other <u>NDIS</u> funding criteria before we can include it in your plan.

Examples of supports we may fund

- Help to get a driver assessment if you need to drive a modified vehicle
- Help to get driving lessons if you need to learn how to drive a modified vehicle or need additional lessons because of your disability
- Help to learn to use public transport

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• Activity based transport, for the cost of support workers to help you get to work, study, or join social activities – learn more in the <u>NDIS Price Guide</u>

Example

Amira wants to drive her car to and from work. Amira has her driver's licence and bought a new car. But she needs modifications to her car, and lessons on how to use the new modifications before she can drive it.

Local councils and business are responsible for providing accessible parking spots, so Amira can park close to a building entrance and has enough space to get out of her car.

We may fund a driver assessment to find out if any vehicle modifications can be made to Amira's car. If the car is suitable for modifications, and the support meets the NDIS funding criteria, we may fund the cost of modifying her car.

We could also fund lessons for Amira to learn how to adapt her driving for her modified car, if the lessons meet the NDIS funding criteria.

Justice

If you have a disability and you're involved in the justice system, there are some supports we may fund. The justice system is responsible for providing other supports.

We consider you're involved in the justice system if you are:

- in custody in a correctional facility, for example a prison, remand centre, youth detention centre or secure mental health facility
- on remand, awaiting or following sentencing
- required by a court order to regularly report to a correctional or community correctional agency, for example on bail, probation, or parole
- serving a community based order, or are on a leave of absence order or therapeutic leave
- under forensic orders, which may include restrictions on your movements or other requirements, such as drug testing or attending prescribed treatment.

We have a guideline about the justice system.

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Aged care

If you're younger than 65 and living in residential aged care, we have a guideline for <u>younger</u> <u>people in residential aged care</u>.

You can also check out our webpage on aged care.

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Reference list

¹ NDIS (Supports for Participants) Rules r 7.5(a). ² NDIS (Supports for Participants) Rules r 7.5(b). ³ NDIS (Supports for Participants) Rules r 7.5(b). ⁴ NDIS (Supports for Participants) Rules r 7.5(b). ⁵ NDIS (Supports for Participants) Rules r 7.5(b). ⁶ NDIS (Supports for Participants) Rules r 7.5(b). ⁷ NDIS (Supports for Participants) Rules r 7.5(b). ⁸ NDIS (Supports for Participants) Rules r 7.5(b). ⁹ NDIS (Supports for Participants) Rules r 7.5(c). ¹⁰ NDIS (Supports for Participants) Rules r 7.5(c). ¹¹ NDIS (Supports for Participants) Rules r 7.5(d). ¹² NDIS (Supports for Participants) Rules r 7.10(b). ¹³ NDIS (Supports for Participants) Rules r 7.10(c). ¹⁴ NDIS (Supports for Participants) Rules r 7.4. ¹⁵ NDIS (Supports for Participants) Rules r 7.7(a). ¹⁶ NDIS (Supports for Participants) Rules r 7.7(a). ¹⁷ NDIS (Supports for Participants) Rules r 7.7(a). ¹⁸ NDIS (Supports for Participants) Rules r 7.7(b). ¹⁹ NDIS (Supports for Participants) Rules r 7.7(c). ²⁰ NDIS (Supports for Participants) Rules r 7.7(d). ²¹ NDIS (Supports for Participants) Rules r 7.6. ²² NDIS (Supports for Participants) Rules r 7.6. ²³ NDIS (Supports for Participants) Rules r 7.6. ²⁴ NDIS (Supports for Participants) Rules r 7.10(a). ²⁵ NDIS (Supports for Participants) Rules r 7.9(a). ²⁶ NDIS (Supports for Participants) Rules r 7.8. ²⁷ NDIS (Supports for Participants) Rules r 7.9(a). ²⁸ NDIS (Supports for Participants) Rules r 7.9(b). ²⁹ NDIS (Supports for Participants) Rules r 7.12(a). ³⁰ NDIS (Supports for Participants) Rules r 7.12(b). ³¹ NDIS (Supports for Participants) Rules r 7.12(c). ³² NDIS (Supports for Participants) Rules r 7.11(b). ³³ NDIS (Supports for Participants) Rules r 7.11(a). ³⁴ NDIS (Supports for Participants) Rules r 7.14. ³⁵ NDIS (Supports for Participants) Rules r 7.13. ³⁶ NDIS (Supports for Participants) Rules r 7.16. ³⁷ NDIS (Supports for Participants) Rules r 7.15. ³⁸ NDIS (Supports for Participants) Rules r 7.18(b). ³⁹ NDIS (Supports for Participants) Rules r 7.18(b)(i). ⁴⁰ NDIS (Supports for Participants) Rules r 7.18(b)(ii). ⁴¹ NDIS (Supports for Participants) Rules r 7.18(a). ⁴² NDIS (Supports for Participants) Rules r 7.17(a). ⁴³ NDIS (Supports for Participants) Rules r 7.17(a). ⁴⁴ NDIS (Supports for Participants) Rules r 7.17(a). ⁴⁵ NDIS (Supports for Participants) Rules r 7.17(b). ⁴⁶ NDIS (Supports for Participants) Rules r 7.17(c). ⁴⁷ NDIS (Supports for Participants) Rules r 7.20(a). ⁴⁸ NDIS (Supports for Participants) Rules r 7.20(a). ⁴⁹ NDIS (Supports for Participants) Rules r 7.20(b).

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- ⁵⁰ NDIS (Supports for Participants) Rules r 7.20(c).
- ⁵¹ NDIS (Supports for Participants) Rules r 7.20(c).
- ⁵² NDIS (Supports for Participants) Rules r 7.20(d).
- ⁵³ NDIS (Supports for Participants) Rules r 7.19(b).
- ⁵⁴ NDIS (Supports for Participants) Rules r 7.19(c).
- ⁵⁵ NDIS (Supports for Participants) Rules r 7.19(d);
- ⁵⁶ NDIS (Supports for Participants) Rules r 7.22(c).
- ⁵⁷ NDIS (Supports for Participants) Rules r 7.22(a).
- ⁵⁸ NDIS (Supports for Participants) Rules r 7.22(b); Disability Discrimination Act s 31(1); Disability Standards for Accessible Public Transport 2002.
- ⁵⁹ NDIS (Supports for Participants) Rules r 7.22(a).
- ⁶⁰ NDIS (Supports for Participants) Rules r 7.21(a).
- ⁶¹ NDIS (Supports for Participants) Rules r 7.21(b).
- ⁶² NDIS (Supports for Participants) Rules r 7.21(c).

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Community connections

Quick summary: Community connections is a service available through the NDIS.

It is available to people with disability aged 9 to 64, and their families.

You don't have to apply to the NDIS to get community connections. Both people with disability and NDIS participants can access this service through our NDIS local area coordinators. This helps people know about and access the supports available in their community.

Local area coordinators will also help people with disability apply for the NDIS and start their plan.

If your child is younger than 9, read <u>Our Guideline – Early connections</u> for information on the support available.

If you are aged 65 or older, we will provide you information on your local aged care services.

Community connections can include things like help to access information, talking about how to access mainstream and community supports, or help to apply to the NDIS.

It is available even if you are not eligible for the NDIS.

Being involved in your community can support wellbeing and keep you connected to the people and places in your area that build on this. Community connections can help you to do what is important to you. This can include finding supports you need to be more independent and do more of the things you enjoy in your local community.

When we say 'you', we mean a person aged 9 to 64 with disability.

When we say 'we', we mean the NDIA.

When we say 'participant', we mean a NDIS participant who has met the NDIS eligibility requirements and has an NDIS plan and budget.

The NDIS has funded local area coordinators to deliver community connections since the NDIS started in 2013. We have previously called this 'linking you to information and support in your community'.

What's on this page?

This page covers:

• What do we mean by community connections?

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- How do you get community connections?
- <u>What type of community connections are available?</u>
- What do community connections look like?
- What happens after community connections?

You might also be interested in:

- <u>Early connections</u> (for children younger than 9)
- Applying to the NDIS

What do we mean by community connections?

Community connections are all about helping you find the supports you need in your local community.

Community connections are available for people with disability aged 9 to 64, even if you are not eligible for the NDIS. If you are aged 65 or older, we will provide you information on your local aged care services.

Community connections are available to people with disability living in Australia regardless of their citizenship or visa status. However, you will need to meet the eligibility requirements, including the residency requirements, to be eligible for the NDIS. To find out more about the NDIS eligibility requirements, go to <u>Applying to the NDIS</u>.

The support you get through community connections will be different depending on your needs. Community connections generally occur over one or two meetings, but for some people, it might be a regular conversation depending on your needs. There is no limit to the number of times you can contact your local area coordinator. If you get community connections, you may not need long-term support funded by the NDIS.

Community connections can support you to do what is important to you. This can include getting supports you need to be more independent and do more of the things you enjoy in your local community. Being connected to your community can improve wellbeing and support your safety.

How do you get community connections?

To get community connections, you can contact a local area coordinator. Local area coordinators work alongside people with disability aged 9 to 64. They work with local communities to improve awareness and inclusion, and to remove barriers in the community.

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Local area coordinators have strong connections in their local community. They use these connections to develop partnerships to support people with disability in the community. Because they are part of the local community, they know the available disability supports and mainstream and community services well.

In some instances, for example, if your child is 6 years or older, and you would benefit from substantial support to connect with community and mainstream services to support their development, your early childhood partner may help you make community connections. For more information, contact your local <u>early childhood partner</u>.

What if there are no local area coordinators in your area?

Local area coordinators are not located in remote and very remote areas. If you live in an area that doesn't have a local area coordinator, you can <u>contact the NDIA</u>.

The NDIA can put you in touch with your NDIS Remote Community Connector if there is one available in your area. If you have questions about your disability, you should also speak with your doctor or other health professional.

What type of community connections are available?

Your local area coordinator will talk with you about the different ways you can receive supports. This may include a combination of services, such as:

- <u>connections to information relevant to you</u>
- <u>connections to mainstream and community supports</u>
- <u>connections with other people for peer support</u>
- connections to apply to the NDIS

Connections to information relevant to you

Depending on your needs, local area coordinators can help you find practical information that's relevant you. This can include:

- information to find <u>social and peer groups</u>
- help to find and use online supports and services
- booklets or fact sheets from other organisations
- information about different disabilities and conditions
- information to understand your rights and link you to organisations that help advocate for your rights
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• information on accessibility in your community.

You may be given information about different supports and other services you may find helpful.

Connections to mainstream and community supports

Mainstream and community supports are supports and services that are outside the NDIS and generally available to everyone.

Mainstream supports are the supports from other government funded services, like health, mental health, and education.

Community services are services you can get through community organisations, like religious groups and supports from local councils.

Local area coordinators have strong connections in their local community. They help to link people together with services and raise awareness in the community about disability. They can help you connect with supports in your local area, including:

- education, for example schools, universities, TAFEs and community learning programs
- health services, for example GPs, nurses, hospitals, vision, and hearing services
- community health services, for example dietetics, mental health services and counselling services
- social networks that help you keep, build and strengthen your support networks, for example community groups and service organisations
- recreational activities, for example sporting clubs, performing arts groups and local swimming pools
- other government services, for example housing, transport and family violence support services.

Connections with other people for peer support

Your local area coordinator can work with you to build and strengthen your local support networks and services so you can meet other people with similar experiences or situations, if you want to.

These peer-to-peer and community-based support systems allow for sharing of information that can build your confidence and knowledge and can be a good way to build a community with other people. You may also be able to share your experience with other people who will benefit from this as well.

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Peer supports can be one-on-one or in groups. They may be delivered through an online platform or in face-to-face sessions and programs.

Local area coordinators will work with you to understand what you are seeking from peer supports and connect you with the most appropriate supports for you.

Connections to apply to the NDIS

While you're being supported by your local area coordinator with community connections, you may decide that you want to apply to the NDIS.

If you decide to apply to the NDIS, your local area coordinator can support you to gather the right information and evidence to help work out if you are eligible.

To find out more about being eligible for the NDIS, refer to Our Guideline – <u>Applying to the</u> <u>NDIS</u>.

If you become an NDIS participant, then we'll use information gathered about goals, and connections with community and mainstream supports, to help create your NDIS plan. You can read more about how we make decisions about your NDIS plan in Our Guidelines – <u>Creating your plan</u>, <u>Your plan</u> and <u>Reasonable and necessary supports</u>.

What do community connections look like?

Your local area coordinator will be available to support you with general enquiries regarding information on programs and activities in your local community. You can make an enquiry over the phone or at your nearest local area coordination partner office.

If you need more support, you can meet with a local area coordinator to discuss your situation and needs. Your local area coordinator will listen to you and talk about what mainstream and community supports are available in your community and see how these supports may help you pursue your goals.

If someone is seeking support on your behalf, we will talk to both of you about consent. We will consider if they have authority to act on your behalf. In some cases, more information may be needed before we can work with you on community connections.

What can you expect when we meet with you?

They will start by working with you to get some general information. They will work with you to understand your needs and current situation.

Your local area coordinator will ask you about what's important to you to understand the life you want to live, and your goals. Your goals are your own personal desires about what you'd

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like to do. You can have as many or as few goals as you want. They can be big or small, short-term or long-term, simple or complex.

We'll talk with you about what your goals will mean for community connections. We can't change your goals or choose them for you. But we can help you think about how you want to word them.

All the information you give helps us work out the best supports to meet your needs. We'll keep your personal information safe and secure. Learn more about <u>your privacy and</u> <u>information</u>.

You can also ask other people to help you if you want to. For example, you can have friends, family or an advocate join the conversation about community connections.

When you meet with your local area coordinator, they'll ask you about:

- your situation
- what is important to you, including goals you would like to pursue
- your current strengths and abilities
- your current supports and services
- areas where you may need more support
- how well the current supports and services meet your needs
- what help you need to build your skills to do more things yourself
- the types of community and government services you are using.

Your local area coordinator will show you what connections are available in your local community that could support you.

If you want, we can give you a record of what we talk about with you. This may be helpful if you want more help to make community connections than one or two conversations. We'll need some more personal information from you if you want help to make community connections, like your name, address and date of birth.

• Example

Jamie has just completed a Patisserie training certificate and dreams of being a pastry chef. Jamie has a mild disability and wants some support to prepare for work and find a job.

Jamie contacts his local area coordinator and asks about what supports are available. The local area coordinator talks to Jamie about his situation. Jamie prepares some goals with his local area coordinator, including a goal to find the right job and a goal to be supported to start and keep his new job. The local area coordinator records Jamie's goals and information

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about his current supports. The local area coordinator also records and shares information about mainstream supports available to help Jamie prepare for and find a job. For example, one of the mainstream supports is a local employment service that provides support for people starting out in work. Once Jamie finds a job, the employment service will also work with his new employer to make sure the workplace is inclusive and provides any reasonable adjustments Jamie needs.

At the end of the meeting, Jamie leaves with the information they discussed, including his goals, current supports and the community and mainstream supports he can get to help him work towards his employment goals. Jamie also has a record of the next steps he needs to take.

Jamie gets help to find and adjust to a new job through one of the mainstream supports he talked about with his local area coordinator, a local employment service. Once Jamie has connected with this employment service, he receives the support he needs for preparing for work and is on his way to finding the right job. Jamie doesn't need any further support through the NDIS. Jamie knows he can always talk to his local area coordinator if he needs more help in future.

Example

Zaina is a 19-year-old university student who lives with friends in a share house. She has just been diagnosed with a degenerative condition and wants to know what options and services are available to her if her condition worsens.

Zaina comes to talk to her local area coordinator to find out what supports, and services are in her local area. We talk to Zaina to find out more about her and her situation. We explain the ways we can help her find supports and services in her community, such as giving her information on what services are available in Zaina's local area and helping her to make connections with mainstream services.

We ask Zaina if she would like help to make community connections. We need some personal information to do this. Right now, Zaina just wants some information to know what type of help is available near her, so we give her information about support groups and local services that are available in the area.

In 6 months' time, Zaina's circumstances change. She contacts her local area coordinator to get more information and she asks for more help to make community connections this time. She talks about her situation with her local area coordinator. Zaina decides she wants to apply to the NDIS, and her local area coordinator helps her apply.

What happens after community connections?

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Once you have met with your local area coordinator, you will have been given information and the tools to start to make connections in your community. You can check the information we gave you when you need to refer to your goals, the steps you want to take to work towards your goals, or where to find information to build your community connections.

While you are connecting with your community, you may decide you want to apply to the NDIS. Your local area coordinator can support you to gather the right information and evidence to help work out if the NDIS is right for you. You can learn more about being eligible for the NDIS in <u>Applying to the NDIS</u>.

Your local area coordinator will be available to support you with general enquiries, help you find information and help you find local programs and activities.

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Including Specific Types of Supports in Plans Operational Guideline

1. What is the purpose of this operational guideline?

This Operational Guideline is intended to be used in conjunction with the Operational Guideline on <u>Planning</u> and provides additional guidance in relation to the preparation and review of a participant's plan when specific types of supports are under consideration.

In particular, this Operational Guideline provides additional guidance in relation to making a decision to <u>approve a statement of participant supports</u> which includes one or more of these specific types of supports.

2. What is the relevant legislation?

- Sections 3, 4, 5, 6, 9, 17A, 31 50, 51, 74, 99, 100 and 209(2A) of the <u>National Disability Insurance Scheme Act 2013</u> (NDIS Act); and
- <u>National Disability Insurance Scheme (Supports for Participants) Rules 2013</u> (Supports for Participants Rules).

3. Overview

Once a person becomes a <u>participant</u> in the National Disability Insurance Scheme (NDIS), they develop a personal goal-based plan with the National Disability Insurance Agency (NDIA).

A participant's <u>plan</u> must include the participant's statement of goals and aspirations and a statement of participant supports (see <u>what must be included in a participant's</u> <u>plan</u>?)

The statement of participant supports specifies, amongst other matters, the <u>general</u> <u>supports</u> (if any) that will be provided, and the <u>reasonable and necessary supports</u> (if any) that will be funded under the NDIS (section 33(2)).

When deciding to include **any** support in a participant's plan, the NDIA **must** have regard to a range of matters set out in the NDIS Act, including the participant's statement of goals and aspirations.

Specifically, before including any support in a participant's plan, the NDIA must:

- be satisfied that each support meets each of the criteria outlined in section <u>34(1)(a)-(f)</u> of the NDIS Act and the Supports for Participants Rules (see <u>deciding to include supports in a participant's plan</u>);
- have regard to the specific principles relating to plans;
- have regard to the other considerations which may apply when including supports in a participant's plan; and
- depending on the specific type of support being considered, refer to the additional guidance available for specific support types outlined in this operational guideline which relate to:
 - <u>Assistive technology;</u>
 - Home modifications;
 - o Employment, higher education and vocational education training;
 - <u>Vehicle modifications;</u>
 - Prosthetic limbs;
 - Personal care supports;
 - <u>Recreation supports;</u>
 - <u>Sustaining informal supports;</u>
 - <u>Transport;</u>
 - Specialist Disability Accommodation (SDA);

See also what must the NDIA consider when approving the statement of participant supports?

4. Assistive Technology

[Note: the Assistive Technology section was retired on 2 December 2020, and replaced by the new <u>Assistive Technology Operational Guideline</u>]

5. Home modifications

Home modifications are changes to the structure, layout or fittings of the participant's home that are required to enable the <u>participant</u> to safely access and move around frequently used areas in their home as a result of their disability.

It is expected that a home modification would only be considered where the home to be modified is the participant's primary residence and the participant intends to remain living at the residence. If the property is a rental property, then the written agreement of the owner of the property will be required before any modifications take place.

There are a number of laws and regulatory frameworks, for example Building Codes and Australian Standards which regulate home modifications. The NDIA is unable to fund home modifications which, if provided, would be contrary to a law of the Commonwealth, state or territory (see <u>which supports will not be funded or provided</u> <u>under the NDIS</u>.

Therefore, the NDIA *must* be satisfied that there are no laws, regulations or other planning restrictions which would prevent the home modifications being undertaken.

In addition, the NDIA *must* also be satisfied, amongst other matters, that the home modification being considered 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 support (section 34(1)(c)).

When determining whether home modifications represent value for money, the NDIA will specifically consider:

- whether the proposed home modification represents value for money when compared to the cost of other lower cost alternatives, for example less costly home modifications which reasonably achieve the same intended benefits or outcomes, or <u>assistive technology</u>;
- whether the proposed home modification is cost effective when compared to the cost of other supports such as assistance with the cost of moving to accessible premises; and
- the expected length of tenure for participants and whether this is commensurate to the cost of the home modifications.

The NDIA *must* also be satisfied that the provision of the support will be, or is likely to be, <u>effective and beneficial</u> for the participant, having regard to current good practice (section 34(1)(d)).

Therefore, before including home modifications in a participant's plan, the NDIA will also consider whether the home is suitable to be modified, including having consideration to:

 any structural constraints such as size, surrounding terrain, or the condition of the building; and • whether the home owner, and where applicable, any body-corporate, agrees and gives their permission for modifications to be made.

When complex and extensive home modifications are being considered, the NDIA may also fund oversight by a project manager or independent building certifier to ensure compliance of the modification and a qualified and experienced Occupational Therapist to certify the effectiveness of the modification to meet the participant's goals and likely future needs.

Generally, the NDIA will fund reasonable and necessary home modifications:

- to the participant's primary residence where, due to the impact of the participant's disability, the <u>participant</u> or their carers are unable to reasonably access and use frequently used rooms and spaces using standard fixtures and fittings;
- when the participant's primary residence, in its current condition, has a significant and adverse impact on the sustainability of current living and care arrangements; and
- where a suitably qualified Occupational Therapist has performed an assessment and recommended home modifications considering all possible alternatives, including the use of equipment.

Generally, the NDIA will also fund reasonable and necessary supports that are related or incidental to home modifications which may include:

- assistance with the cost of moving to accessible premises as an alternative to home modifications where this is cost effective to provide access. Generally, it would be expected that any new premises selected provide appropriate access and that any further modifications would be very basic and low cost. Potential costs that may be covered include:
 - 1. costs associated with selling the participant's current property, for example advertising, agents fees and legal costs;
 - 2. costs associated with the purchase of the alternate property, for example stamp duty and legal costs;
 - 3. removalist costs; and
 - 4. minor modifications to install special equipment if necessary.
- additional costs incurred if the NDIA recommends or requires the use of qualified builders, trades people, project managers, building certifiers, building assessors or occupational therapists;
- the costs of normal repairs and maintenance to specialised fittings and <u>assistive technology</u> that have been installed as part of a home modification; and

• costs related to council or other building approvals which are payable as a result of the required home modifications.

The NDIS will generally not fund:

- fixtures, fittings or materials which are above standard grade;
- modifications for a property purchased after a participant was granted access to the NDIS, unless the NDIA was involved in the decision to purchase the property, or the purchase of a more accessible property was not possible;
- the installation of swimming pools (including hydrotherapy) and spas;
- repairs or remediation of damage to the home that is pre-existing or discovered during the modification process;
- any additional insurance premiums which may be payable to insure the property once the required home modifications are completed;
- ongoing repairs and maintenance to non-specialised structures, fixtures or fittings of the home even when these form part of the modification work. For example, repainting a modified bathroom and maintaining plumbing;
- remediation of work that does not comply with the specifications of work or did not comply with the Building Code or relevant Australian Standards (this is the responsibility of the builder);
- for modifications to be removed when a person no longer requires them, except when there has been prior agreement in the case of a rental property;
- home modifications to group homes, residential facilities and other specialist accommodation, or other public buildings, including boarding schools; and
- capital building additions such as additions of rooms, stories or lifts or inclinators to allow access to multiple levels of a home or steep blocks of land. However, when considering whether the funding of items of this kind is reasonable and necessary the NDIA will also consider:
 - 1. whether other parts of the house can be reasonably organised as an alternative;
 - 2. whether alternate accommodation which is more accessible or more easily modified is available and the cost;
 - 3. whether there are compelling factors related to the participant, their family, community or employment which makes moving premises unrealistic; and
 - 4. the long term costs and benefits of alternative funded supports against the costs and benefits of the modifications to the home.

5. See also is <u>the support most appropriately funded or provided through</u> <u>the NDIS?</u> In particular, <u>housing and community infrastructure</u>.

It is generally expected that home modifications will be suitable for the participant's anticipated long term needs. Therefore, it is unlikely that further modifications will be funded for the same premises except where there are unforeseen and significant changes to the participant's needs.

Where the NDIA has funded complex or extensive modifications and the <u>participant</u> or their family subsequently sells the property the NDIA expects:

- future premises selected will be as accessible as possible;
- money from the sale of the first property, commensurate with the value of the modifications funded by the NDIA will be directed towards modifying the participant's new premises; and
- if there is more than one residence that a participant needs to access, for example, because of shared parenting arrangements or holiday homes, modifications to the second property will be restricted to access and basic hygiene requirements.n

6. Employment, higher education and vocational education and training

[Note: the Employment, higher education and vocational education and training section was retired on 15 December 2020, and replaced by the new <u>Work and Study</u> <u>Supports</u> guideline]

7. Vehicle modifications

Vehicle modifications include changes to a vehicle, or the installation of equipment in a vehicle that enable a <u>participant</u> to gain access to a vehicle and in some cases operate the vehicle. This can include enabling the participant to:

- get in and out of the vehicle with or without a wheelchair;
- carry their wheelchair in or on the vehicle without lifting;
- be transported safely whilst seated in their wheelchair; or
- drive the vehicle with specialised controls or other adaptions.

For the NDIA to consider funding vehicle modifications to enable a participant to drive, the participant must have an endorsed license for that vehicle at the time of request, or be assessed as having the capacity to obtain an endorsed license by:

• an evaluation by a medical practitioner using the national 'Assessing Fitness to Drive' medical standards;

- a driving assessment by a driver trained Occupational Therapist; or
- a driving assessment by the state licensing authority.

The NDIA *must* be satisfied, amongst other matters, that the vehicle modification being considered represents <u>value for money</u> in that the costs of the support are reasonable relative to both the benefits achieved and costs of alternative support (section 34(1)(c)).

When determining whether vehicle modifications represent value for money, the NDIA will specifically consider:

- whether the proposed vehicle modifications are the best alternative for effectively achieving the participant's driving or transport needs;
- whether the participant's specific needs can be achieved using a less costly alternative;
- the cost of vehicle modifications compared to the cost of other funded transport supports over the life of the vehicle. For example, modified taxi fares, modified vehicle hire or personal assistance; and
- the suitability of the type of vehicle proposed to be modified in terms of:
 - whether the vehicle is of an age, type and mileage that is cost effective to modify relative to the cost of the modifications, anticipated use and expected longevity of the modified vehicle; and
 - 2. whether the vehicle is of a type that will require the development of a unique engineering solution.

Note, vehicles less than five years old and under 80,000kms are generally considered suitable to modify. However, older vehicles and those with higher mileage may still be considered. In these cases, evidence of road worthiness and the expected lifespan of the vehicle will need to be provided.

Also, the NDIA may fund modifications that exist on a second hand vehicle at a rate commensurate with the depreciated value of the modifications.

The NDIA *must* also be satisfied that the provision of the support will be, or is likely to be, <u>effective and beneficial</u> for the participant, having regard to current good practice (section 34(1)(d)).

Therefore, before funding vehicle modifications the NDIA will also consider the effectiveness of vehicle modifications having consideration to:

 whether the modifications have been prescribed by a suitably qualified occupational therapist and installed by a supplier in line with the relevant standards and state or territory regulations;

- whether the <u>participant</u> owns the vehicle, or in the case of a vehicle owned by a family member, whether the participant has use of the vehicle for their transport needs; and
- whether the participant is able to fund ongoing vehicle running costs including registration, regular insurance, fuel, repairs and maintenance.

The NDIA may also fund supports that are related or incidental to vehicle modifications, for example:

- driver assessments for the purpose of obtaining an endorsed license;
- driving lessons where a participant requires lessons to establish skills to use the modified vehicle, or additional lessons where a participant's disability results in them taking longer to learn to drive;
- additional insurance costs, where an additional insurance premium is payable as a result of the modifications. Note, the NDIA will only fund the increased amount of the premium, not the total cost of the policy;
- the cost of engineering certification and other checks required for initial registration; and
- the cost of removal of modifications and reinstallation on a new vehicle when doing so is practicable and represents <u>value for money</u>.

The NDIA will generally *not* fund:

- the purchase of a motor vehicle;
- regular insurance, registration or running costs;
- non-standard items, for example auto docking where the person or their attendant is able to manually dock;
- driving supervision in order for a participant to accrue hours to pass a driving test; or
- major modifications (over \$10,000) to a vehicle where less than 8 years has lapsed since the most recent funding of vehicle modifications, unless the participant's circumstances and needs have significantly changed.

See also is <u>the support most appropriately funded or provided through the</u> <u>NDIS</u>transport.

It is generally expected that vehicle modifications will be suitable for the participant's anticipated long term needs. Therefore, it is unlikely that further modifications will be funded for the same vehicle except where there are unforeseen and significant changes to the participant's needs.

Where a <u>participant</u> purchases a new vehicle, where practicable, minor modifications (less than \$10,000) should be removed from the old vehicle and re-installed in the new vehicle.

8. Prosthetic limbs

Prosthetic (artificial) limbs are devices that provide a portion of functions normally provided by natural arms and legs. They are often used when there is absence of part or all of a limb , for example due to an accident or birth defect, and help to improve function and quality of life.

Prosthetic limbs consist of a custom made socket which fits the residual limb and a terminal device made up of different components that assist in performing functional tasks and providing compatible cosmesis.

Prosthetic limbs vary considerably in their sophistication by virtue of their complexity, cost, and specialisation and due to the varying levels of function they provide. For example, a prosthetic limb may be a simple device that is functionally efficient, or an enhanced limb that is configured to have an appearance and functional performance that is similar to that of a natural limb.

The NDIA *must* be satisfied, amongst other matters, that the funding of a prosthetic limb represents <u>value for money</u> in that the costs of the support are reasonable relative to both the benefits achieved and costs of alternative support (section 34(1)(c)).

In considering whether a proposed prosthetic limb represents value for money, the NDIA will consider whether:

- the total labour and associated costs, including the number of hours and hourly rate of the prosthetist, represents value for money in the participant's local market; and
- the cost of componentry proposed represents value for money when compared to the cost of similar prosthetic components that would meet the participant's functional needs and goals.

The NDIA will generally fund definitive limbs only where they are specified (prescribed) by health professionals who are designated and accredited (where applicable) by the artificial limb service in the state or territory where the <u>participant</u> resides.

For upper and lower limbs, the specifications should propose the minimum level or grade of socket materials, componentry and coverings required that relate to:

- the participant's weight;
- the participant's goals and aspirations;

- the ability to use, put on and remove the limb;
- the ability to care for the limb; and
- the medical needs, that is, residual limb shape, fixed deformity to be accommodated, skin integrity and alignment-relevant co-morbidities.

In addition the necessity for a particular level of componentry should relate to factors that include:

- the participant's expected or known functional level (based on standard measures such as the K classification);
- functional needs related to the environment of use, for example typical floor surfaces and gradients, the use of stairs, the amount of time walking, typical terrain if used outside, expected impacts; and
- the impact of actual or expected vocational demands on limb type.

Generally, the NDIA will fund:

- entry level or standard grade prostheses for participants up to K2 classification and will consider higher prosthesis for people up to K3 and K4 classification;
- repairs, maintenance, minor and major adjustments to prosthetic limbs (or prosthetic limbs funded by other systems prior to the <u>participant</u> joining the NDIS);
- ancillary costs related to prosthetic limbs such as residual limb socks and sheaths (typically 6 per year);
- limbs external to Osseo integrated implants; and
- upper limb myoelectric prostheses where the participant is either a bi-lateral amputee or has contralateral overuse syndrome which prevents the use of body powered prosthetics and where there is demonstrated commitment and success using a training device.

Generally, the NDIA will not fund:

- repairs due to damage resulting from use of a limb outside of recommended use and care guidelines;
- more than one prosthetic limb (i.e. a spare prosthetic limb), unless reasonable and necessary to do so having regard to any vocational demands or other relevant considerations (for a second limb for recreational use, <u>recreational</u> <u>supports</u>; and
- For K4 level, C-legs and computerised components unless reasonable and necessary to do so having regard to the functional benefits expected to be achieved and whether such benefits can be achieved in other ways.

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Limbs will be replaced at typical replacement intervals unless more frequent replacement is warranted. Typical replacement periods are 3 years for most adults and, as needed, due to growth for children under 18 years of age (typically no more than bi-annually).

The NDIA may consider whether more frequent replacement is warranted on the basis of the participant's needs.

9. Personal care supports

Personal care supports relate to assistance with daily personal activities including assistance with, or supervision of, personal tasks of daily life. For example:

- personal hygiene, including showering, bathing, oral hygiene, dressing and grooming;
- toileting, bladder and bowel management and menstrual care;
- eating and drinking;
- attending appointments;
- use of aids and appliances, hearing and communication devices;
- mobility and transferring, for example moving in and out of bed and on or off the toilet; or
- application of splints, basic first aid due to injuries sustained as a result of a participant's disability.

Personal care supports may be required across a variety of settings. For example, a <u>participant</u> living alone in their own home, living with family or other people, when undertaking social, recreational, education or employment activities or during holidays away from home.

When personal care supports are being considered, the NDIA will have regard to the degree to which these supports:

- maximise the independence and functional skills of the participant;
- are appropriate to the participant's age and circumstances; and
- whether alternative arrangements or supports could meet a participant's needs in a less intrusive manner. For example, aids and equipment may enable a participant to complete tasks for themselves or the provision of training may increase the participant's independence in the tasks.

Before including any personal care support in a participant's plan, the NDIA *must*, amongst other matters, be satisfied that the support will <u>assist the participant to</u> <u>pursue their goals. objectives and aspirations</u> (section 34(1)(a)).

Personal care supports are likely to be supports which assist a participant to pursue a number of different goals, rather than being related to a specific goal.

Personal care supports for children are not intended to replace the usual care and supervision provided, or paid for, by a parent (see does <u>the funding of the support</u> <u>take into account what is reasonable to expect others to provide</u>?). However, the NDIA may fund personal care supports for children with complex needs where the level of support needed is beyond the level usually required for children of the same age.

A participant's request that intimate personal care not be provided by family members or friends should always be respected and taken into account when determining the level of assistance that should be funded.

Supports to provide assistance with daily personal activities should generally be limited to a maximum of 6 hours per day. This level of support is based on:

- bathing, dressing, toileting and grooming up to 2 hours per day including bowel management, skin care, bladder management, menstrual care;
- assistance with eating up to 2 hours per day which may include assistance with medication;
- mobility including exercise, positioning, moving up to 1 hour per day; and
- where toileting assistance alone is required, up to 1 hour a day.

In some circumstances, the NDIA may decide to fund higher levels of personal care support. In considering whether a higher level of support is needed, the NDIA will give consideration to:

- whether the <u>participant</u> has high care needs, for example unstable seizure activity or respiratory support;
- the weight (and other physical aspects) of the participant;
- the medical condition of the participant, including any medication required;
- whether the need for a higher level of support is of a temporary nature. For example, due to waiting for a suitable home modification (for example, a bathroom modification) to be completed;
- whether two people are required for transfers;
- whether there are behavioural concerns which require more intensive assistance with personal care activities and there are no other options, for example behavioural support intervention; and
- whether additional time limited funding is likely to reduce a participant's longer term support costs by building their capacity to independently perform personal care activities.

The NDIA will also consider whether <u>assistive technology</u>, <u>home modifications</u> or other supports can be used to reduce the level of assistance with daily personal activities.

10. Recreation supports

[Note: the Recreation Supports section was retired on 2 December 2020, and replaced by the new <u>Social and Recreation Supports Operational Guideline</u>]

11. Sustaining informal supports

The informal support provided by parents, siblings and other family members is vitally important to people with disabilities. In addition to the support provided, the close relationships that participants have with the people who provide this informal support can also be highly important.

Therefore, the ongoing capacity of family members and carers to provide these informal supports can often be critical to the wellbeing of participants.

Support loads and other factors such as illness or ageing can place a carer's wellbeing at risk and compromise their capacity to continue in their caring role. Accordingly, the NDIA recognises that sustaining these informal supports can often be an integral component of meeting a participant's needs.

The NDIA aims to increase the social and economic participation of people with disabilities within the context of their families and existing support networks. The NDIA will use the planning process to build an understanding of a participant's overall support needs, including identifying the range of informal supports which are available and how they can be sustained.

11.1 Does the NDIA fund family members to provide supports?

Funding a family member to provide supports to a <u>participant</u> can be detrimental to family relationships.

For example, the consequences of funding a family member to provide supports may include unintentionally creating an environment where a participant's wishes in relation to their care arrangements or the delivery of their supports is diminished, or there is no or limited respite for the family worker taking on the role of support worker.

Generally, the NDIA will only fund family members to provide supports in exceptional circumstances. For example, when:

- there is a risk of harm or neglect to the participant;
- there are religious or cultural reasons for funding a family member to provide supports; or

 the participant has strong personal views, for example in relation to their privacy or dignity.

The NDIA will consider the circumstances of each case, any wishes expressed by the participant and also take into account what is reasonable to expect others to provide.

The NDIA will not fund a family member to provide personal care or community access supports unless all other options to identify a suitable provider of supports have been exhausted.

Note, if the funding for supports under a participant's plan is managed by the NDIA, family members will only be able to be funded to provide supports if they are a registered provider of supports (see <u>Registered Providers</u>).

12. Transport

Transport supports include supports that enable participants to build capacity to independently travel, including through personal transport-related aids and equipment, or training to use public transport.

A participant's transport supports may also include the reasonable and necessary costs of taxis or other private transport options for participants who are not able to travel independently, as well as transport to and from school for students.

Transport supports only relate to participants and do not relate to travel for families, carers or providers of supports. However, providers of supports may claim reasonable travel time when delivering reasonable and necessary supports in the home, or when accompanying participants to access the community.

When considering whether transport is a reasonable and necessary support, the NDIA *must* consider, amongst other matters, whether the support is related to the participant's disability (see <u>what are the general criteria for supports</u>).

A support will not be provided or funded under the NDIS if it relates to day-to-day living costs (rule 5.1(d) of the Supports for Participants Rules).

Day-to-day living costs may include rent, groceries or utility fees, however, this is not an exhaustive list. Transport is an incidental cost of everyday life for most people and, therefore, can also be considered to be a day to day-to-day living cost.

However, the NDIS may fund day-to-day living costs that are incurred by a participant solely and directly as a result of their disability support needs (rule 5.2(a) of the Supports for Participants Rules).

These additional living costs (i.e. those incurred by a participant solely and directly as a result of their disability support needs) may be funded under the NDIS if they relate to reasonable and necessary supports.

Before including any transport support in a participant's plan, the NDIA *must* also be satisfied that the support will <u>assist the participant to pursue their goals</u>, <u>objectives</u> <u>and aspirations</u>.

In addition, the NDIA must take into account <u>what is reasonable for families, carers,</u> <u>informal networks and the community to provide</u>. In relation to transport, this consideration may be different for participants who are children as compared to participants who are adults.

When considering whether a proposed transport support represents <u>value for</u> <u>money</u>, the NDIA will compare the costs of transport to the overall costs of alternative supports which may provide a similar level of independence or reduce a participant's future needs for supports. For example, <u>vehicle modifications</u>.

The NDIA may also consider what options may be available for the participant in their local community, or whether funding other supports has the potential to build a participant's capacity to engage in local community activities.

Transport should only be funded where it has been determined to be reasonable and necessary, where it is an additional cost incurred solely and directly as a result of a participant's disability support needs and, where ancillary to another funded support, it is a cost which the participant would not otherwise incur.

It does not follow, merely because transport is ancillary to a funded support, that it should be funded. The circumstances in which transport may be funded are strictly limited. Transport *must*:

- relate to a support that has been determined to be reasonable and necessary; and
- be an additional cost and incurred solely and directly as a result of disability support needs; and
- where transport is ancillary to another funded support, it must be a cost which the participant would not otherwise incur (see <u>JQJT and NDIA [2016] AATA</u> <u>478 at [35]</u>).

The NDIS will *not* be responsible for:

- ensuring that public transport options are accessible to a person with disability, including through the funding of concessions to people with disability to use public transport;
- compliance of transport providers and operators with laws dealing with discrimination on the basis of disability, including the *Disability Standards for Accessible Public Transport 2002*;

- transport infrastructure, including road and footpath infrastructure, where this is a part of a universal service obligation or reasonable adjustment (including managing disability parking and related initiatives); or
- support to compensate for the lack of a public transport system.

See also is <u>the support most appropriately funded or provided through the NDIS</u>? In particular, <u>transport</u>.

12.1 Transport and considerations relating to children

Parents of NDIS participants aged under 18 years have a responsibility to meet their child's daily transportation requirements. However, some children may require additional assistance, for example children who cannot use public transport or their parent's vehicle, even if modified, due to their disability.

The NDIS will generally not fund day to day living costs associated with caring for children, including transport costs, as parents are expected to meet a child's everyday transport requirements (see <u>JQJT and NDIA [2016] AATA 478 at [35]</u>).

When considering whether transport is a reasonable and necessary support for a child, the NDIA *must* take into account <u>what is reasonable for families, carers,</u> <u>informal networks and the community to provide</u> (section 34(1)(e)).

What is reasonable for a family to provide in respect of a particular support should be considered in light of the support they have to provide the child generally because of his or her disability (see JQJT and NDIA [2016] AATA 478 [39]).

When considering whether funding for transport for a <u>participant</u> who is a child takes account of what it is reasonable to expect families, carers, informal networks and the community to provide, the NDIA will consider:

- that it is normal for parents to provide substantial care and support for children;
- whether, because of the child's disability, the child's care needs are *substantially* greater than those of other children of a similar age;
- the extent of any risks to the wellbeing of the participant's family members or carer or carers; and
- whether the funding or provision of the support would improve the child's capacity or future capacity, or would reduce any risk to the child's wellbeing. (rule 3.4(a) of the Supports for Participants Rules).

The NDIS will be responsible for supports that a student requires that are associated with the functional impact of the student's disability on their daily living activities, such as transport to and from school (rule 7.13 of the Supports for Participants Rules).

When considering if specialist transport to and from school for a participant who is a child is a reasonable and necessary support the NDIA will consider:

- if any other transport option is available and appropriate; and
- whether providing the supports would substitute for parental responsibility.

12.2 Transport and considerations relating to adults

A <u>participant</u> will generally be able to access funding through the NDIS for transport assistance if the participant cannot use public transport without substantial difficulty due to their disability.

The funding the NDIS provides will take into account any relevant taxi subsidy schemes available to the participant and does not cover transport assistance for carers or family members to transport the participant for everyday commitments.

There are generally three levels of funding support for transport. The levels are used to provide a transport budget for participants. In exceptional circumstances, participants may receive higher funding if the participant has either general or funded supports in their plan that enable their participation in employment.

Level 1

• the NDIS will provide up to \$1,606 per year for participants who are not working, studying or attending day programs but are seeking to enhance their community access.

Level 2

• the NDIS will provide up to \$2,472 per year for participants who are currently working or studying part-time (up to 15 hours per week), participating in day programs and for other social, recreational, or leisure activities.

Level 3

• the NDIS will provide up to \$3,456 per year for participants who are currently working, looking for work, or studying, at least 15 hours per week, and are unable to use public transport because of their disability.

When considering whether funding for transport for a participant who is an adult takes account of <u>what it is reasonable to expect families</u>, <u>carers</u>, <u>informal networks</u> <u>and the community to provide</u>, the NDIA will consider:

- the extent of any risks to the wellbeing of the participant arising from the participant's reliance on the support of family members, carers, informal networks and the community; and
- the suitability of family members, carers, informal networks and the community to provide the supports that the participant requires, include such factors as:

- the age and capacity of the participant's family members and carers, including the extent to which family and community supports are available to sustain them in their caring role;
- 2. the intensity and type of support that is required and whether it is age and gender appropriate for a particular family member or carer to be providing that care; and
- 3. the extent of any risks to the long term wellbeing of any of the family members or carers (for example, a child should not be expected to provide care for their parents, siblings or other relatives or be required to limit their educational opportunities); and
- the extent to which <u>informal supports</u> contribute to or reduce a participant's level of independence and other outcomes;
- for all participants the desirability of supporting and developing the potential contributions of informal supports and networks within their communities.

13. Medium Term Accommodation

[Note: the Medium Term Accommodation section was retired on 26 October 2020, and replaced by the new <u>Medium Term Accommodation Operational Guideline</u>]

14. Assistance Animals

The NDIA has used many reports to inform its definitions, including the La Trobe University report '<u>Key terms for animals in disability assistance roles (DOCX)</u>'.

14.1 Definitions of terms

Assistance Animal is an animal that is trained to perform at least three tasks or behaviours that reduce the functional impacts of a person's impairment and is assessed by an authorised body for public access.

- Dog Guide is a type of assistance animal that is specifically trained to support people with vision impairment or blindness. The terms Guide Dog and Seeing Eye Dog are brands of dog guides.
- Companion animal is generally an animal kept for companionship or pleasure and otherwise known as a pet.
- Emotional support animal is an animal that provides informal support for a person with a diagnosed mental illness or condition.
- Facility animal is an animal that is trained to work in a specific facility or type of facility, like a residential aged care home. The animal may or may not live on-site.

- Medical alert animal an example of a medical alert animal is an epilepsy seizure dog. Epilepsy seizure dogs are intended to assist a person having a seizure by alerting the caregiver to the seizure, by moving in a way to protect the person having a seizure, or by activating an alarm.
- Therapy animal is an animal that takes part in therapy interventions that are led by a qualified allied health professional.
- Visitation animal is an animal belonging to a volunteer, who trains the animal to visit residential, health, or educational facilities, to bring enjoyment to the clients or students.

Animals that don't fit the definition of 'assistance animal' or 'dog guide' are unlikely to meet NDIS funding criteria. This is explained in more detail later in this operational guideline.

Other key definitions for this operational guideline are:

- Functional outcomes are measurable results linked with how well a person is able to perform specific tasks.
- Mechanical restraint is the use of a device to prevent or limit a person's movement for the main purpose of controlling their behaviour. Mechanical restraint is a type of restrictive practice.
- Primary handler is the person responsible for the control, care and wellbeing of the animal.
- Public Access Test is a test which an animal must pass to be considered safe and effective in accessing public places and public transport. This test varies across states and territories. Generally, this test should be conducted by an unbiased, independent assessor.
- NDIS Participant assistance animal provider is a provider demonstrating all the requirements to be registered with the NDIS Quality and Safeguards Commission (the 'Commission'). Generally, if a provider is not registered with the Commission they will be registered with the relevant state or territory body.
- Restrictive practice refers to any practice or intervention that restricts or limits the rights or freedom of movement of a person with disability. Any proposed restrictive practice requires a behaviour support plan with a clear plan to reduce and eliminate the practice, and appropriate authorisation and consent as required by the state or territory in which the person resides.
- Suitability assessment is an independent assessment of a participant's suitability to receive and use an assistance animal from a NDIS Participant assistance animal provider. This includes an assessment of the person

responsible for the animal (ie. the primary handler), should this not be the participant (e.g. in the case of a child).

14.2 What does the NDIS need to consider when funding Assistance Animal supports?

When funding supports in a participant's plan, such as assistance animals, the NDIA has to consider whether the support meets all of the general criteria for supports and reasonable and necessary criteria (see Section 34 of the NDIS Act and Section 10 of the <u>Planning Operational Guideline</u>).

What supports will the NDIS fund?

When funding an assistance animal, funded supports include the following:

- a suitable and qualified animal, inclusive of associated participant assessment and provider incurred animal training costs; and
- costs associated with maintenance of the animal for the working life of the animal.

What evidence do I need to provide?

The NDIA needs evidence in writing with input from all of the following:

- an NDIS Participant assistance animal provider;
- allied health professionals; and
- the participant.

Information from other professionals, such as a doctor, may also be provided where relevant to the assistance animal request.

What format do I use to provide the evidence?

The NDIA needs the information outlined in the next sections (14.3 and 14.4) to be provided in a report. The '<u>NDIS Assistance Animal Assessment Template (DOCX)</u>' is available as the NDIA's preferred format to help assessors and participants to provide the required information.

14.3 How to meet Part 5 of the Supports for Participants Rules?

Before funding a support, the NDIA must make sure all the criteria in Part 5 of the 'Supports for Participants' Rules are met. Specific considerations for Rule 5.1(a) and 5.3(a) are set out below.

A support will not be provided or funded under the NDIS if it is likely to cause harm to the participant or pose a risk to others (Rule 5.1(a))

To meet this criterion, the NDIA needs information and evidence confirming the following:

- ability of the primary handler to control, care for and maintain the wellbeing of an assistance animal. This includes the evidence that the property where the assistance animal will live is suitable;
- the assistance animal will not cause health risks to the participant and others living in the property (e.g. allergies);
- where the assistance animal will support the participant at school, the NDIA needs:
 - evidence the school will allow the animal;
 - information on who the primary handler in the school will be and the training they will receive;
 - information on how student interaction with the animal will be managed, so as to ensure the safety of both students and the animal; and
 - the assistance animal will not cause health risks to others in the school.

Generally, the NDIA will not fund assistance animals where:

- there is risk to the wellbeing and safety of the assistance animal;
 - in performing its tasks. This may include lifting or pulling items that are too heavy, or unrealistic expectations (e.g. guiding an electric wheelchair);
 - where a participant has behaviours of concern, such as aggressive or violent behaviour;
 - where a participant has hospital admission(s) for suicide attempt(s) or self-harm behaviours in the previous 12 months;
 - where a participant has had drug or alcohol misuse that has not stabilised in the previous 12 months; or
 - o due to any other identified risk factors.
- there is an intention to use the assistance animal as a mechanical restraint (unless there is a behaviour support plan in place);
 - Mechanical restraint includes using the assistance animal to physically stop the participant from moving, or having an animal lie on the participant to prevent behaviours escalating.

Supports which are identified as restrictive practices cannot be funded without a supporting behaviour support plan which has been agreed and approved by the state or territory authority where the participant lives.

Cruelty to animals is against the law in every state and territory.

A support will not be provided or funded under the NDIS where it would be contrary to a law of the Commonwealth or the State or Territory in which the support would be provided (Rule 5.3(a))

To meet this criterion, the NDIA needs information and evidence confirming the following:

- the assistance animal can legally access public spaces and venues required by the participant (i.e. the assistance animal has passed a Public Access Test); and
- the identity of the person who will be legally responsible for the wellbeing and safety of the assistance animal.

14.4 How to meet section 34 of the NDIS Act?

Before funding a support, the NDIA must make sure all the criteria in section 34 of the NDIS Act 2013 are met. These are known as the reasonable and necessary criteria.

Will the support assist the participant to pursue their goals, objectives and aspirations included in the participant's statement of goals and aspirations? (Section 34(1)(a))

To meet this criterion, the NDIA needs information and evidence confirm how the assistance animal will assist the participant to work towards and/or achieve their functional goals, objectives and aspirations identified in their plan.

Example 1. Joe is a 30 year old participant with low vision

Joe has a goal to travel by himself on the train to his new workplace. This goal is identified in his plan. To achieve this goal, he requires support with mobility.

The report to NDIA must outline the above, confirming that Joe possesses the required independent mobility skills to successfully navigate the environment and that the dog guide can provide support with mobility.

Example 2. Mandy is a 45 year old participant with post-traumatic stress disorder (PTSD)

Mandy has a goal to independently complete her grocery shopping. This goal is identified in her NDIS plan. To do so, she requires a support that enables her to manage her anxiety to a level that enables her to successfully complete her shopping.

The report to NDIA must outline the above and confirm that an assistance animal can provide support with anxiety management.

Example 3. Connor is a 15 year old participant with autism spectrum disorder

Connor and his parents identify the goal of increased engagement at school. This goal is identified in his NDIS plan. To achieve this, he requires support with regulating his emotions when he becomes overwhelmed.

The report to NDIA must outline the above and confirm that an assistance animal can provide support with emotional regulation.

Will the support assist the participant to undertake activities, so as to facilitate the participant's social and economic participation? (Section 34(1)(b))

To meet this criterion, the NDIA needs information and evidence confirming the following:

- the participant's current level of function and any barriers to social and economic participation; and
- how the assistance animal will assist in overcoming these barriers.

Example 1. Joe

Joe identifies that he will often need to travel via the train station at peak times, to get to and from work. He needs a support that helps him to overcome the current barrier of negotiating complex environments, with open spaces and large crowds. In open spaces, particularly where there are crowds, Joe reports reduced confidence, unreasonably slow pace, and that he easily becomes disorientated.

Joe has a reasonable level of independent mobility using a long cane. He has had an trial walk with a dog guide, including during peak time at the train station.

The report to NDIA must outline the functional outcomes of this trial walk and demonstrate how a dog guide will facilitate his economic or social participation, in comparison to not having this support.

Example 2. Mandy

Mandy gets increased anxiety when in busy and crowded places, to a level where she will avoid leaving her house without the support of another person. Mandy has previously owned an assistance animal, during which time she says she accessed the community more than she has over the past two years, since being without this support.

The report to NDIA must provide an outline from Mandy's treating therapists of their assessment of her, both with and without the support of an assistance animal, in relation to her access to the community for social and economic participation.

Example 3. Connor

Connor and his parents identify the opportunities school provides him in making friends and developing his social interaction skills. He requires a support that enables him to display socially appropriate behaviours and engage in social interaction with his peers.

The report to NDIA must outline how an assistance animal can support Connor to manage his emotions to a level that supports his social interactions.

Does the support represent value for money in that the costs of the support are reasonable, relative to both the benefits achieved and the cost of alternate support? (Section 34(1)(c))

To meet this criterion, the NDIA needs information and evidence confirming the following:

- the functional outcomes to be achieved through the use of the assistance animal;
- the long term benefit of the assistance animal (for example a dog guide is expected to have a working life of approximately 8 years);
- other supports which may achieve the same outcome, such as assistive technology, therapy supports, a behaviour support plan and/or a self-funded companion animal; and
- how the assistance animal will reduce the need for other supports and over what time period (e.g. a few months, several years etc.).

An animal can have significant therapeutic benefits for people, including participants. However, the report must explain how the assistance animal will benefit the participant over and above that of a companion animal.

Example 1. Joe

In relation to Joe's mobility support needs, he and his assessor should first explore the use and effectiveness of a long cane and other orientation and mobility techniques. Upon trial, there should be assessment of whether these alternatives assist him to navigate the train station at a reasonable pace and remain orientated.

The report to NDIA must outline the outcomes of the trial with these lower cost alternatives.

Example 2. Mandy

In relation to Mandy's anxiety management support needs, she and her assessor should first explore the outcomes of alternative supports, including best-practice, evidence-based interventions, such as clinical mental health supports.

The report to NDIA must outline the best-practice evidence-based interventions Mandy has accessed and the associated outcomes of these supports, including Mandy's ability to complete her grocery shopping independently.

Example 3. Connor

In relation to Connor's emotional regulation support needs, his parents and assessor should first explore the outcomes of best-practice, evidence-based interventions, including a multidisciplinary therapy program and a behaviour support plan. The report to NDIA must outline the best-practice evidence-based interventions Connor has accessed and associated outcomes of these supports. The report should clearly identify what progress he has made thus far and the expected outcomes of future sessions where applicable.

Will the support be, or likely to be, effective and beneficial for the participant, having regard to current good practice? (Section 34(1)(d))

To meet this criterion, the NDIA needs information and evidence confirming the following:

- best-practice interventions that have been used or trialled and how effective they are;
- how the assistance animal will perform at least three tasks that the participant is unable to do;
- pre- and post-trial outcome measures and/or lived experience;
- how the outcomes are a direct result of the assistance animal;
- the assistance animal has completed relevant training, and been assessed as suitably qualified as an assistance animal, and
- how the assistance animal has been assessed as suitable for the participant.

The NDIA recognises that timely access to best practice early childhood intervention is vital for children to ensure that they achieve the best possible outcomes throughout their life. Using the NDIS Early Childhood Early Intervention approach it would be expected that a multidisciplinary team would have worked with each individual child and family prior to requesting funding for an assistance animal.

There is insufficient published and refereed evidence at this time to support the use of epilepsy seizure dogs as an effective and reliable disability support.

Example 1. Joe

Through trial walks with a dog guide, Joe and his assessor note the outcomes the dog guide enables Joe to achieve. Outcomes include better mobility to and from work, including negotiating the train station; increased confidence and capability in negotiating crowded areas; better ability to negotiate open areas without becoming disorientated; and the ability to move at a more comfortable and acceptable pace.

The report to NDIA must outline these outcomes and how they relate to the achievement of Joe's goal. The report must identify how these outcomes compare to those that can be achieved by the lower cost alternatives also trialled

Example 2. Mandy

To confirm that an assistance animal will still help Mandy, a two week trial is conducted. The purpose of the trial is to work out if Mandy is able to better manage

her anxiety in public places that are familiar to her and complete her grocery shopping without the support of another person.

Throughout the trial, Mandy and her assessor note the outcomes the assistance animal helps Mandy to achieve. Outcomes include independently getting to and from the supermarket in a taxi, independence in finding the items from her shopping list in a logical order, ability to stay on task when there are distractions such as loud noises and ability to interact with other customers and staff while shopping.

The report to NDIA must outline these outcomes and how they relate to the achievement of Mandy's goal. The report must identify how these outcomes compare to those that can be achieved by alternate support options.

Example 3. Connor

To explore whether an assistance animal will help Connor with emotional regulation, engagement at school and interactions with his peers, a trial should be conducted in the school setting. This trial should only proceed dependent on the status and outcomes of best-practice evidence-based interventions previously referred to.

The report to NDIA must outline the outcomes of this trial, where this has been considered appropriate to proceed. The report must identify how these outcomes compare to those that can be achieved by alternate support options.

Does the funding or provision of the support take into account what is reasonable to expect families, carers, informal networks and the community to provide? (Section 34(1)(e))

To meet this criterion, the NDIA needs information and evidence confirming the following:

- the tasks and supports expected of the assistance animal would not generally be considered parental responsibility;
- the tasks and supports that would reasonably be provided by family and other household members; and
- how the assistance animal will provide benefits above that of a companion animal (e.g. pet) that would generally be provided by an individual or their family.

Example 1. Joe

Prior to consideration of a dog guide, Joe and his assessor must consider whether it would generally be considered a reasonable expectation of others, including family, to regularly support another adult to get to and from work.

The report to NDIA must outline the tasks and supports that would reasonably be provided by family and other household members and evidence that the assistance animal will provide benefits above that of a companion animal.

Example 2. Mandy

Prior to consideration of an assistance animal, Mandy and her assessor must consider whether it would generally be considered a reasonable expectation of others, including family, to regularly support another adult to complete their grocery shopping.

The report to NDIA must outline the tasks and supports that would reasonably be provided by family and other household members and evidence that the assistance animal will provide benefits above that of a companion animal.

Example 3. Connor

Prior to consideration of an assistance animal, Connor's parents and his assessor must consider the level and frequency of support that a child of Connor's age would typically require to manage their emotions in the school setting.

The report to NDIA must outline:

- tasks which would generally be considered parental responsibility;
- tasks and supports that would reasonably be provided by family and the school; and
- evidence that the assistance animal will provide benefits above that of a companion animal.

Is the support most appropriately funded by the National Disability Insurance Scheme? (Section 34(1)(f))

Generally, assistance animal supports are most appropriately funded under the NDIS for a participant where all the above criteria have been met.

14.5 Will the NDIS fund maintenance costs?

Where an assistance animal meets all of the reasonable and necessary criteria, the NDIA will generally fund supports related to the ongoing maintenance of the assistance animal.

This may include costs related to:

- food
- grooming
- flea and worm treatments
- medication
- vaccinations
- veterinary services.

14.6 Will the NDIA provide funding to train a dog before it has become a qualified assistance animal?

La Trobe University completed a study '<u>NDIS participant-trained assistance dogs</u> (<u>DOCX</u>)' in relation to the training of assistance dogs. Based on these findings the NDIA will generally not provide funding for a dog before it has become a qualified assistance animal.

The study found:

- not all dogs who undertake training go on to successfully qualify as an assistance animal; and
- there is no reliable way to predict if a particular dog will successfully qualify as an assistance animal before it has completed its training.

Therefore, it is unlikely the dog will meet the following reasonable and necessary criteria:

 the support represents value for money, in that the costs of the support are reasonable, relative to both the benefits achieved and the cost of alternate support (34(1)(c));

As it is not possible to guarantee the dog will successfully complete the training, the value for money criteria will not be met.

- the support will be, or is likely to be, effective and beneficial for the participant, having regard to current good practice (34 (1) (d)); or
 As the dog may not complete training the NDIA is unable to state the animal will be beneficial or effective as the dog may not address the participant's functional impairments.
- the funding or provision of the support takes into account of what is reasonable to expect families, carers, informal networks and community to provide (34 (1) (e)).

Funding a dog that has not successfully completed assistance animal training is no different to providing a companion animal (e.g. pet). It is reasonable to expect that individuals/families would self-fund a companion animal.

Based on this evidence, the NDIS does not provide funding for a participant to train their own dog to be an assistance animal. This also applies if a registered assistance animal provider is engaged to train the dog, as not all dogs go on to successfully qualify as an assistance animal.

For the same reasons, the NDIS does not fund a provider to supply a dog as an NDIS support until they are fully trained and qualified assistance animals.



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 your community connections plan, go to <u>Our Guideline – Community Connections</u>.

If you're looking for information about your child's early connections plan, go to <u>Our</u> <u>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?
- <u>Step 2: How do we work out if an identified and described support meets the NDIS</u> <u>funding criteria?</u>
- Step 3: How do we include the reasonable and necessary supports in your plan?

You may also be interested in:

- <u>Mainstream Supports</u>
- Creating Your Plan
- Changing your plan
- <u>Reviewing our decisions</u>

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• Would we fund it?

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.¹ 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 disability²
- the support will help you pursue your goals and aspirations³
- the support will help you undertake activities that will increase your social and economic participation⁴
- the support is value for money,⁵ which means that the costs are reasonable:

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- 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 term⁶
- when compared to alternative options that may provide you with the same outcome at a similar or lower cost⁷
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence⁸
- 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 provide⁹
- the support is most appropriately funded or provided by the NDIS¹⁰
- the support is not more appropriately funded by another service system, agency, person, or body, such as the education system or the health system.¹¹ 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 others¹³
- it is **not related** to your disability¹⁴
- it **duplicates** other supports delivered by the NDIS¹⁵
- 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 needs¹⁶
- providing the support would be **against the law**¹⁷
- it consists of **income replacement**¹⁸
- it is the **responsibility of other service systems** to provide (for example, your state government, the education system, or the health system).¹⁹ 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.²⁰

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**.²¹ 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

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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.

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.²² 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.²³ The supports we fund need to help you maximise your independence and pursue your goals.²⁴ 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:

1. 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 disability-related needs. This might be a home modification to make your bathroom accessible.

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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.
- 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.²⁵ 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.²⁶ 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,²⁷ 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.

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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 supports²⁸
- value for money.²⁹

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 <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 <u>Access</u>.

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.

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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.

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

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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.

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.³⁰ 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'.³¹

General supports

General supports are the coordination, strategic or referral services and activities we provide, or arrange to be provided, for you.³² They're how we help you develop your NDIS

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plan and connect with supports and activities in your community. This includes your mainstream, community and informal supports. Learn more in <u>Creating your plan.</u>

Reasonable and necessary supports

Reasonable and necessary supports are the supports we fund in your plan to meet your disability support needs.³³ 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.³⁴ All supports we fund in a plan need to meet the criteria set out in these laws. We call these the NDIS funding criteria.³⁵

To meet the NDIS funding criteria, a support must meet both the following criteria:³⁶

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

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.³⁹ 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>.⁴⁰ These are the things that guide us when we make decisions about what we fund.

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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:

- You have the same right as other Australians to realise your potential for physical, social, emotional and intellectual development.⁴¹
- You should be supported to take part in and contribute to social and economic life.⁴²
- 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.⁴³
- 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.⁴⁴
- Your privacy and dignity should be respected.⁴⁵
- We must make sure the NDIS is financially sustainable.⁴⁶

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

- 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> follow to create your plan.

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 <u>NDIS Independent Advisory Council</u>.

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.

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The Council advised us that all Australians, including people with disability, should have an '<u>ordinary life</u>'. 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.
- 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.

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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 aspirations⁴⁸
- your strengths, capacity and individual circumstances⁴⁹
- any barriers, limitations and restrictions you face in undertaking activities or things that stop you from living an 'ordinary life'⁵⁰
- your disability support needs⁵¹
- any risks and safeguards we may need to think about when considering your support needs.⁵²

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 <u>Our Guideline – Your plan</u>.

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.⁵³

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.

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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.⁵⁴

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'. ⁵⁵ 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.

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.⁵⁶ 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.⁵⁷ We consider how your funded supports will help you pursue your goals when we decide to approve your plan.⁵⁸

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Reasonable and necessary supports should help you pursue your goals,⁵⁹ 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.⁶⁰ 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> <u>funding criteria</u>.

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.⁶¹ 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.

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

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:

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- 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' <u>or</u> 'fixed' supports).⁶²
- **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.⁶³

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 category⁶⁴. 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.

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.

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• 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:

• **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.

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• **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.⁶⁵ 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.⁶⁶

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 costs⁶⁷
- if the support will help reduce the cost of other supports over time,⁶⁸ 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 laws⁶⁹
- if you need a particular support to pursue your goals or to use other supports in your plan effectively⁷⁰
- if you need a specialist support, for example if your support must be delivered by a qualified person, or in a special way⁷¹
- if you are eligible for the NDIS under the early intervention criteria.⁷²

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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 restrictive practices such as restraint
- Specialist Disability Accommodation.

We will also check if you were eligible for the NDIS through the early intervention criteria.⁷³ If so, we might decide to describe the supports as stated for some types of early intervention supports.⁷⁴ 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 <u>NDIS registered provider</u>. These include:

- <u>Specialist Behaviour Support</u>, if the provider will undertake a behaviour support assessment or develop a behaviour support plan⁷⁵
- supports where it's likely a provider will need to use a <u>regulated restricted practice</u>,⁷⁶ either interim or ongoing
- Plan Management

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• 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</u> <u>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.⁷⁷ 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 support⁷⁸
- we decide you must use an NDIS registered provider due to the risks, for example complex home modifications⁷⁹
- you need support from a particular person with specialist qualifications, for example a health professional⁸⁰
- you need support delivered in a certain way.⁸¹

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.⁸² 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.⁸³ Learn more about <u>Work and study supports</u>.

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.⁸⁴
- It must meet the <u>reasonable and necessary criteria</u>.⁸⁵

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.⁸⁶ We can't fund or provide supports that:

- are not legal⁸⁷
- are income replacement⁸⁸
- are likely to cause harm to you, or pose a risk to other people⁸⁹
- are not related to your disability⁹⁰
- 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.⁹¹
- duplicate other supports provided by the NDIS under alternative funding.⁹²

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 <u>restrictive practice</u> where it's not authorised in your state or territory

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- <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
- 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>.⁹⁴ 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.⁹⁵

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.⁹⁶ 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:⁹⁷

- 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>.

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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.

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.⁹⁸ 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

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• 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.

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.⁹⁹ 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.¹⁰⁰ 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 needs¹⁰¹
- 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.¹⁰²

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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.¹⁰³

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 pursue your goals in your plan.¹⁰⁵
- The support will <u>assist you to undertake activities</u>, to facilitate your social and <u>economic participation</u>.¹⁰⁶ 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.¹⁰⁷ 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.¹⁰⁸ 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.¹⁰⁹ We also consider your lived experience.
- The funding of the support <u>takes account of what it is reasonable to expect families</u>, <u>carers</u>, <u>informal networks and the community to provide</u>.¹¹⁰ 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:¹¹¹
 - 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.¹¹³

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.

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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.

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 <u>Creating Your Plan</u> and the <u>Setting Goals fact sheet</u>.

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.

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For example, we only fund reasonable and necessary supports that are value for money,¹¹⁷ effective and beneficial¹¹⁸ 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 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.¹²¹

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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 <u>Health Benefits of Good Work</u>.

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> <u>recreation supports</u> and <u>Work and study supports</u>.

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.

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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 <u>our principles</u>.¹²²

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

- if other supports would achieve the same result at a substantially lower cost¹²³ 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 term¹²⁴
- if the support will likely reduce the cost of other supports over time¹²⁵
- how the cost compares to other supports of the same kind in your area¹²⁶
- 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.¹²⁷

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.

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

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.

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 do¹²⁹
- 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.¹³¹

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.¹³² For example, we could rely on academic research and other literature. This could include university studies on

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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.¹³³

We may consider things we have learnt from other participants in the NDIS with similar support needs to you.¹³⁴ 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.

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.¹³⁵ Sometimes we will have to seek expert opinion or report to make a decision.¹³⁶

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

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• 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.

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.¹³⁸

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.¹³⁹ 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.

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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.

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.¹⁴⁰ 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.¹⁴¹ We consider that it's usual for parents to provide almost all the care and support that young children need.

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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 age¹⁴² that is, you need much more disability support
- any risks to the wellbeing of people providing informal support to you¹⁴³
- if including funding for the support will help build your skills and capacity in the future, or reduce any risks to you.¹⁴⁴

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 need¹⁴⁵
- how much your informal supports would help improve or reduce your independence and other outcomes.¹⁴⁶

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

- how old your carers are and their capacity to provide the support¹⁴⁸
- if other family members and the community can help your informal supports in their caring role¹⁴⁹
- 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 gender¹⁵⁰
- any long-term risks to the wellbeing of your informal supports.¹⁵¹

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.¹⁵²

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

Learn more about Sustaining Informal Supports.

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.

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

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).¹⁵³

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.¹⁵⁴ 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.

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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.

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.¹⁵⁵ 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.¹⁵⁶

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.¹⁵⁸

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.

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It's against the law to discriminate against people with a disability in many areas.¹⁵⁹ 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.

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.

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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.

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.¹⁶⁰

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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.

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 <u>contact us</u> 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.¹⁶² You'll need to ask for an internal review within 3 months of getting your plan.¹⁶³ ¹⁶⁴Learn more about <u>internal and external review of decisions</u>.

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Reference List

¹ NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules. ² NDIS (Supports for Participants) Rules r 5.1(b). ³ NDIS Act s34(1)(a). ⁴ NDIS Act s34(1)(b). ⁵ NDIS Act s34(1)(c). ⁶ NDIS (Supports for Participants) Rules r 3.1(c). ⁷ NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a). ⁸ NDIS Act s34(1)(d). ⁹ NDIS Act s34(1)(e). ¹⁰ NDIS Act s34(1)(f). ¹¹ NDIS Act s34(1)(f). ¹² NDIS (Supports for Participants) Rules part 5. ¹³ NDIS (Supports for Participants) Rules r 5.1(a). ¹⁴ NDIS (Supports for Participants) Rules r 5.1(b). ¹⁵ NDIS (Supports for Participants) Rules r 5.1(c). ¹⁶ NDIS (Supports for Participants) Rules r 5.1(d). ¹⁷ NDIS (Supports for Participants) Rules r 5.3(a). ¹⁸ NDIS (Supports for Participants) Rules r 5.3(b). ¹⁹ NDIS Act s34(1)(f). ²⁰ NDIS Act s118(1)(b). ²¹ NDIS Act s4(17) ²² NDIS Act s33(2). ²³ NDIS Act s33(5)(a). ²⁴ NDIS Act s34(1)(a). ²⁵ NDIS Act s34(1)(d). ²⁶ NDIS (Supports for Participants) Rules r 4.1(d). ²⁷ NDIS Act s34(1). ²⁸ NDIS Act s34(1)(d); NDIS (Supports for Participants) Rules, r 3.2-3.3. ²⁹ NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1. ³⁰ McGarrigle v National Disability Insurance Agency (2017) 252 FCR 121 at [88]. ³¹ NDIS Act ss 33(2)(a), 33(2)(b), 33(5)(c), 34. ³² NDIS Act ss 13, 33(2)(a). ³³ NDIS Act ss 33(2)(b), 34. ³⁴ NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules. ³⁵ NDIS Act ss 33(2)(b), 34; NDIS (Supports for Participants) Rules. ³⁶ NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3. ³⁷ NDIS (Supports for Participants) Rules pt 5. ³⁸ NDIS Act s 34(1). ³⁹ NDIS (Supports for Participants) Rules r 2.4; NDIS Act s 33(5)(c). ⁴⁰ NDIS Act ss 4, 31. ⁴¹ NDIS Act s 4(1). ⁴² NDIS Act s 4(2). ⁴³ NDIS Act s 4(4). ⁴⁴ NDIS Act s 4(8). ⁴⁵ NDIS Act s 4(10). ⁴⁶ NDIS Act s 4(17). ⁴⁷ NDIS Act s 4(11). 6 October 2023 Page 42 of 45 Reasonable and necessary supports

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⁴⁸ NDIS Act s 33(5)(a); NDIS (Supports for Participants) Rules r 4.1(a). ⁴⁹ NDIS (Supports for Participants) Rules r 4.1(a). ⁵⁰ NDIS (Supports for Participants) Rules r 4.1(b). ⁵¹ NDIS (Supports for Participants) Rules rr 4.1(b), (d). ⁵² NDIS (Supports for Participants) Rules r 4.1(c). ⁵³ NDIS Act s 33(5)(b). ⁵⁴ NDIS Act ss 36, 50. ⁵⁵ NDIS (Supports for Participants) Rules rr 4.2-4.6. ⁵⁶ NDIS Act s 33(1). ⁵⁷ NDIS Act s 47(1). ⁵⁸ NDIS (Supports for Participants) Rules r 4.1(d). ⁵⁹ NDIS Act s 34(1)(a). 60 NDIS Act s 34(1)(a). ⁶¹ NDIS Act s 33(5)(f). ⁶² NDIS Act s 33(3) and NDIS (Plan Management) Rules. 63 NDIS Act s 33(5)(c). ⁶⁴ NDIS Act s 33(3). ⁶⁵ NDIS Act s 33(3); (NDIS (Plan Management) Rules r 6.3. ⁶⁶ NDIS Act s 46(1). ⁶⁷ NDIS Act (Plan Management) Rules r 6.4(a). 68 NDIS (Plan Management) Rules r 6.4(b). ⁶⁹ NDIS (Plan Management) Rules r 6.4(c). ⁷⁰ NDIS (Plan Management) Rules r 6.4(d). ⁷¹ NDIS (Plan Management) Rules r 6.4(e). ⁷² NDIS (Plan Management) Rules r 6.4(f). ⁷³ NDIS (Plan Management) Rules r 6.4(f). ⁷⁴ NDIS (Plan Management) Rules r 6.4(f). ⁷⁵ NDIS (Provider Registration and Practice Standards) Rules r 7(3). ⁷⁶ NDIS (Provider Registration and Practice Standards) Rules r 7(2). 77 NDIS (Plan Management) Rules rr 6.6-6.7. ⁷⁸ NDIS (Plan Management) Rules r 6.6. ⁷⁹ 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. ⁸⁴ NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules pt 5. ⁸⁵ NDIS Act s 34(1). ⁸⁶ NDIS (Supports for Participants) Rules r 5. ⁸⁷ 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). ⁹⁰ NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(b). ⁹¹ NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(d). ⁹² NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(c). ⁹³ 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). ⁹⁶ NDIS (Supports for Participants) Rules r 5.3(b). ⁹⁷ NDIS (Supports for Participants) Rules r 5.1(a). ⁹⁸ NDIS (Supports for Participants) Rules r 5.1(b). ⁹⁹ NDIS (Supports for Participants) Rules r 5.1(d).

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¹⁰⁰ NDIS (Supports for Participants) Rules r 5.1(d). ¹⁰¹ NDIS (Supports for Participants) Rules r 5.2(a). ¹⁰² NDIS (Supports for Participants) Rules r 5.2(b). ¹⁰³ NDIS (Supports for Participants) Rules r 5.1(c). ¹⁰⁴ NDIS Act ss 33(5)(c), 34(1). ¹⁰⁵ NDIS Act s 34(1)(a). ¹⁰⁶ NDIS Act s 34(1)(b). ¹⁰⁷ NDIS Act s 34(1)(c). ¹⁰⁸ NDIS Act s 34(1)(d). ¹⁰⁹ NDIS (Supports for Participants) Rules r 3.2(a). ¹¹⁰ NDIS Act s 34(1)(e). ¹¹¹ NDIS Act s 34(1)(f). ¹¹² NDIS (Supports for Participants) Rules pts 3, 4. ¹¹³ NDIS Act s 33(5)(c). ¹¹⁴ NDIS Act s 34(1)(a). ¹¹⁵ McGarrigle v National Disability Insurance Agency (2017) 252 FCR 121 at [91]. ¹¹⁶ NDIS Act s 34(1)(a). ¹¹⁷ NDIS Act s 34(1)(c). ¹¹⁸ NDIS Act s 34(1)(d). ¹¹⁹ NDIS (Supports for Participants) Rules r 5.1(b). ¹²⁰ NDIS (Supports for Participants) Rules r 5.1(d). ¹²¹ NDIS Act s 34(1)(b). ¹²² NDIS Act ss 3(3)(b), 4(17). ¹²³ NDIS (Supports for Participants) Rules r 3.1(a). ¹²⁴ NDIS (Supports for Participants) Rules r 3.1(b). ¹²⁵ NDIS (Supports for Participants) Rules r 3.1(c). ¹²⁶ NDIS (Supports for Participants) Rules r 3.1(e). ¹²⁷ NDIS (Supports for Participants) Rules r 3.1(c). ¹²⁸ NDIS (Supports for Participants) Rules r 3.1(d). 129 McCutcheon and NDIA [2015] AATA 624 at [34]. ¹³⁰ McCutcheon and NDIA [2015] AATA 624 at [34]. ¹³¹ McCutcheon and NDIA [2015] AATA 624. ¹³² NDIS (Supports for Participants) Rules r 3.2(a). ¹³³ NDIS (Supports for Participants) Rules r 3.2(b). ¹³⁴ NDIS (Supports for Participants) Rules r 3.2(c). ¹³⁵ NDIS (Supports for Participants) Rules r 3.3. ¹³⁶ NDIS (Supports for Participants) Rules r 3.3. ¹³⁷ NDIS Act s 34(1)(e). ¹³⁸ NDIS Act s 34(1)(e). ¹³⁹ NDIS (Supports for Participants) Rules r 3.4(a)(i). ¹⁴⁰ NDIS (Supports for Participants) Rules r 3.4(c). ¹⁴¹ NDIS (Supports for Participants) Rules r 3.4(a)(i). ¹⁴² NDIS (Supports for Participants) Rules r 3.4(a)(ii); JQJT and National Disability Insurance Agency [2016] AATA 478 at [39]. ¹⁴³ NDIS (Supports for Participants) Rules r 3.4(a)(iii). ¹⁴⁴ NDIS (Supports for Participants) Rules r 3.4(a)(iv). ¹⁴⁵ NDIS (Supports for Participants) Rules rr 3.4(b)(i), (ii). ¹⁴⁶ NDIS (Supports for Participants) Rules r 3.4(b)(iii). ¹⁴⁷ NDIS (Supports for Participants) Rules r 3.4(b)(ii). ¹⁴⁸ NDIS (Supports for Participants) Rules r 3.4(b)(ii). ¹⁴⁹ NDIS (Supports for Participants) Rules r 3.4(b)(ii)(A). ¹⁵⁰ NDIS (Supports for Participants) Rules r 3.4(b)(ii)(B).

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- ¹⁵¹ NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).
- ¹⁵² NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).
- ¹⁵³ NDIS Act s 34(1)(f).
- ¹⁵⁴ NDIS (Supports for Participants) Rules rr 3.5-3.7 and Schedule 1.
- ¹⁵⁵ NDIS Act s 34(1)(f).
- ¹⁵⁶ NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1; NDIS Act ss 209(4), (8) item 1.
- ¹⁵⁷ NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1.
- ¹⁵⁸ NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1.

¹⁵⁹ 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).

¹⁶⁰ NDIS Act s 33(5)(c).

- ¹⁶¹ NDIS Act s100(1).
- ¹⁶² NDIS Act s100.
- ¹⁶³ NDIS Act s100(2).

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Understand work and study supports

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This article provides guidance for a planner delegate, local area coordinator or participant support officer to:

- understand work and study
- understand the importance of work and study goals
- talk about work and study goals with the participant
- understand work and study support categories
- understand work and study core supports
- understand work and study capacity building supports
- understand what supports are provided by the National Disability Insurance Scheme (NDIS) and Disability Employment Services (DES).

1 Recent updates

12 August 2024

Guidance updated to advise the Plan Conversation Support Tool (PCST) must be used for all new plans and plan reassessments.

29 July 2024

- Updated links to article Understand and update the plan conversation support tool.
- Removed references to school leaver employment supports, which is now included under employment assistance.
- Clarified Supports in employment is included in the Core budget of the participant's plan
- Clarified a participant may use social and community participation fund to help them prepare for employment when they're ready.

2 Before you start

You have read and understood:

- Our Guideline Work and study (external)
- Our Guideline Mainstream and Community supports (external)
- Our Guideline Reasonable and necessary supports (external)
- article <u>Support Categories</u>
- the NDIS Participant Employment Strategy (external).

You have:

- completed the work and study eLearning modules available on LEAP. These include Economic participation for NDIS participants and Let's talk about work
- viewed the Employment intranet page to understand any recent changes.

3 Understand work and study

Work and study are an important part of life for most people. Every person living with a disability should have the opportunity to reach their full potential in a career of their choosing. If an NDIS participant wants to work or study, we want to support them. We can fund work and study supports that meet the <u>NDIS funding criteria (external)</u> to help a participant:

- study at school, university, TAFE or somewhere similar
- prepare for work
- find their first job or a new job
- do their job
- work towards a promotion or career change
- start an apprenticeship or traineeship
- try volunteering or work experience
- work in their own business.

Learn more in <u>Our Guideline – Work and study (external)</u>. Consider other NDIS funded supports to help the participant pursue their work and study goals, including:

- therapeutic services
- social, community and civic participation
- daily activity
- assistive technology
- support coordination or a recovery coach.

4 Understand the importance of work and study goals

Work and study supports can help raise the expectations of future employment goals for people living with disability. The opportunity to work and study can benefit a person living with disability to:

- develop their sense of identity and personal achievement
- learn new skills
- increase their financial independence, for example to support family and pursue hobbies and passions
- improve their long-term mental and physical health
- have a valued role in their community
- grow their relationships and networks
- increase their confidence and feeling of self-worth.

Talk with the participant (or their authorised representative) about what work and study supports we can fund. Help the participant understand supports they can access to find and keep a job or do other things like volunteering.

Some participants may benefit from a mix of NDIS funded supports and mainstream employment supports to help them achieve their employment goals. You may be able to give more information about other government services, programs and mainstream services. This could include Job Access (external), Disability Employment Services (external) or Department of Employment and Workplace Relations (external). Learn more about state and territory community and mainstream supports in article Community and mainstream supports contact list.

You can also support the participant to use the <u>Provider finder (external)</u>. The provider finder helps the participant find registered providers within their state or territory. You can search by registration groups, as follows:

- assistance to access and/or maintain employment and/or education
- specialised supported employment
- assistance in coordinating or managing life stages/transitions and supports
- participation in community/social and civic activities
- development of daily living and life skills.

Work and study providers will support participants to explore their work and study options. Learn more about work and study providers available in the participant's area in article <u>Connect</u> with providers.

5 Talk about work and study goals with the participant

You can talk with the participant about their work and study goals. This can happen during a plan meeting, implementation meeting, at a check-in or during a plan change. It's important these conversations start when the participant reaches working age and continue to make sure they achieve employment, and their job suits them.

This is an opportunity to find out:

- about any changes to their current work or study situation
- if they'd like to pursue any new work or study goals
- if there are any big changes coming up in their life. For example, reaching working age, finishing school, changing jobs or starting to study
- what they like to do in their spare time
- the things they do well and enjoy
- if they want to explore work or study options, now or in the future
- where they would like to work or study
- if there's any new evidence, like a school report or workplace assessment. This gives us information on the type and level of employment assistance they need
- if they use any community or mainstream services to pursue their work or study goals.

Encourage the participant to think about and share ideas on how we can help them achieve their work and study goals. The information the participant shares helps us understand more about:

- what support they'll need to get a job
- the work the participant already does
- their interests and strengths
- their work or study goals
- what supports they may need to maintain or change their job.

The <u>Let's talk about work booklet (external)</u> will help the participant get ready to think and talk about work.

6 Understand work and study support categories

There are a number of work and study NDIS funded supports available. These help participants of all ages who want to explore work and study opportunities, or who already have a job. To access work and study funded supports, the participant will have a work or study goal in their plan.

The participant can have a mix of core and capacity building funded supports in their plan. These could be:

- Supports in employment (Core) this is the ongoing support the participant needs at work to maintain their employment
- Capacity building employment supports this includes Employment Assistance and Employment Related Assessment, Counselling and Advice. These can help the participant build skills for work, and find and keep a job.

To learn more about funded supports, go to article <u>Support Categories</u>. You can find the pricing arrangements for these support categories in the <u>NDIS Pricing</u> <u>Arrangements (external)</u>.

7 Understand work and study core supports

Work and study core supports help participants who:

- need regular and ongoing supports delivered in a workplace
- are already working
- plan to start working during the plan period.

For participants who need support to build skills for work, and to find and keep a job, go to the section **Understand work and study capacity building supports** of this article.

7.1 Assistance with Social, Economic and Community Participation (core funding)

7.1.1 Economic participation – Supports in employment

Supports in employment help the participant manage their disability and succeed at work. These day-to-day supports provide the participant with regular and ongoing help when they are at work. This can be in a range of workplace settings, like a supported employment service or disability enterprise, a job in open employment, a family-run business, or micro enterprise.

This support is included in the core Assistance with Social, Economic, and Community Participation category in the participant's plan.

To add or update supports in employment using the Plan Conversation Support Tool (PCST), go to article <u>Understand and update the plan conversation support tool</u>. You **must** use the PCST for all new plans and plan reassessments.

7.1.2 Social and Community Participation

The participant may not be ready to start building capacity specifically for work. But they can use social and community participation funding to learn to be more independent in daily living and accessing their community. This will help them prepare for employment when they are ready.

7.1.3 Transport (core funding)

This helps the participant travel to and from their place of work. This can also include activitybased transport or specialised transport to school, an educational facility, or within their community.

To add or update transport support using the PCST, go to article <u>Understand and update the</u> <u>plan conversation support tool</u>. You **must** use the PCST for all new plans and plan reassessments and attach to the participant record.

8 Understand work and study capacity building supports

Capacity building employment supports can help the participant develop employment skills to successfully find and keep a job. These supports are available to participants of all ages who have a work or study goal in their plan.

Capacity building employment supports are for participants at different stages of their working life. This can include:

- A young person of working age who has an employment goal and needs support to develop their skills for work. This may include support to participate in work experience, which complements supports available through the school curriculum. Or it might include help to find and keep a part-time job outside of school hours.
- A young person moving from school to work with functional impacts in areas of learning, social interaction and self-management. They may need support to develop skills for work and to find and keep a job.
- A participant of any age with minimal work experience. They have interrupted or no previous employment history and need intensive support to build their capacity to work. These supports can help participants who need support in areas of learning, social interaction and self-management.
- A young person of working age who needs support to connect with mainstream services when moving from school to work or further education. Or, to connect with work following tertiary study to get a job in line with their qualification.
- A participant who needs support to build their work skills to move from a supported employment service or disability enterprise to open employment. This may include where the participant wants to use a different provider to their current disability enterprise employer.
- A participant who needs support to progress their career or change jobs.

To understand the minimum hours of support you can include in the participant's plan for each scenario above, use the PCST. Go to article <u>Understand and update the plan conversation</u> <u>support tool</u>. You **must** use the PCST for all new plans and plan reassessments and attach to the participant record.

8.1 Finding and keeping a job (capacity building funding)

8.1.1 Employment assistance

Employment assistance is for participants of all ages who have an employment goal in their NDIS plan. It's to support the participant to build skills for work and find and keep a job. It means the participant can:

- explore what work means to them
- build essential foundation skills for work through experience in work settings
- manage complex barriers to get and keep a job
- customise a job to suit their skills and abilities
- connect with the right job and employer
- change jobs, including moving from a supported employment service to open employment, if the provider is not the supported employment service employer
- connect with higher education or training
- get a job after completing a course or training

- develop a career goal
- engage with a Disability Employment Service (DES) provider, or other employment service to secure employment, like <u>Job Access (external)</u>.

8.1.2 Employment related assessment, counselling, and advice

Employment related assessment, counselling, and advice can help the participant successfully engage in work. It can support the participant to:

- identify their work goals and strengths
- explore any barriers to employment
- understand the different types of employment support they may need because of their disability.

These supports can include:

- a vocational assessment
- a functional assessment
- education and support for the participant, employer and others in the workplace
- counselling when the participant's disability prevents them returning to their previous job.

This support can benefit participants who:

- need significant support to develop a new work pathway. For example, a participant who has sustained a traumatic injury or acquired a disability
- have had limited to no work experience.

To use the PCST to add or update capacity building employment supports, go to article <u>Understand and update the plan conversation support tool</u>. You **must** use the PCST for all new plans and plan reassessments and attach to the participant record.

9 Understand what supports are provided by the National Disability Insurance Scheme (NDIS) and Disability Employment Services (DES)

The NDIS provides more frequent and intensive support to help participants build skills for work and to find and keep a job. Disability Employment Services (DES) can support a participant who:

- is independent accessing the community
- understands their capabilities, interests and the skills required for work
- is able to follow instructions
- is not currently employed in open employment and has a future work capacity of at least 8 hours per week
- has a history of successful work experience or employment.

10 Next steps

To use the PCST to add or update employment supports to the participant's plan, go to article <u>Understand and update the plan conversation support tool</u>. You **must** use the PCST for all new plans and plan reassessments.

Understand transport supports

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This article provides guidance for a planner delegate to:

- calculate transport supports
- find the right support category
- understand what to consider if transport supports are part of community participation.

1 Recent updates

29 July 2024

- Next steps section updated to reflect process change.
- Link updates.

2 Before you start

You have read and understood:

- Our Guideline Reasonable and necessary supports (external)
- Operational Guideline Including specific types of supports in plans transport (external)
- article <u>Support Categories</u>.

3 Calculate transport supports

To help you decide how much funding to include in the participant's plan, use the <u>Operational</u> <u>Guideline - Including specific types of supports in plans – transport (external)</u>. Use the levels of transport assistance below to help you decide how much funding to include the plan:

Level 1 ^{strE(d)- contain operations of agence}: For participants who are not working, studying, or attending day programs but want to improve their community access.

Level 2 ^{stread} overlap ove

Level 3^{SYE(d)- contain operations of agence}: For participants who are currently working, looking for work, or studying (15 hours or more a week), and can't use public transport because of their disability.

If the transport funding is significantly above Transport Assistance Level 3, or isn't related to activity-based transport, you'll need to seek advice from the <u>Technical Advice and Practice</u> <u>Improvement Branch (TAPIB</u>). For more information, go to article <u>Create a technical advice</u> <u>case</u>.

4 Find the right support category

Transport can be funded in **Core** or **Recurring** support categories. Go to article <u>Support Categories</u> to determine the correct support category.

5 What to consider if transport support is part of community participation

A participant might request transport support as part of community participation. Participants can use their transport budget funding for a support worker to help them:

- participate in community activities
- transport from their home to the community.

Providers claim these labour costs at the relevant community participation hourly rate. For example: individual or group rates.

You must also consider non-labour costs when deciding how much funding to include. Providers can claim non-labour transport costs to help the participant:

- access community participation supports
- access or maintain employment
- access or maintain higher education.

Non-labour costs associated with participant transport can include:

- public transport fares
- road tolls
- parking fees
- reasonable vehicle running costs
- taxi or ride-share fares.

For more information about provider travel – labour and non-labour costs, go to the <u>NDIS</u> <u>Pricing Arrangement and Price Limits (external)</u>.

6 Next steps

- 1. For a:
 - Plan Approval case, you'll need to use the plan conversation support tool to calculate the funded supports. To add or update this support in a draft budget go to article <u>Change the draft budget</u>
 - Plan Change or Participant Budget Update case, go to article <u>Action a</u> <u>budget update</u>.