

Facilitator notes:

State:

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

I acknowledge that I am facilitating this training from the lands of the **[insert name]** people.

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


Click to go to next slide.

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Learning outcomes

By the end of this session, you'll:

- understand the term: substantial reduction in functional capacity
- be familiar with the six life activity domains
- understand how to consider functional capacity in adults and children
- be able to assess 24(1)(c) and determine if it is met.



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Facilitator notes:

State:

By the end of this session, you'll:

- understand the term: Substantial Reduction in Functional Capacity
- Be familiar with the six life activity domains
- understand how to assess functioning in adults and children
- be able to assess 24(1)(c) and determine if it is met using guidance from the NDIS Act 2013, Operational Guidelines and NDIS (Becoming A Participant) Rules 2016.


Click to go to next slide.

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NDIS Act 2013 and Section 24(1)c

Does your impairment substantially reduce your functional capacity?

The impairment or impairments result in a substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities: communication, social interaction, learning, mobility, self-care, self-management



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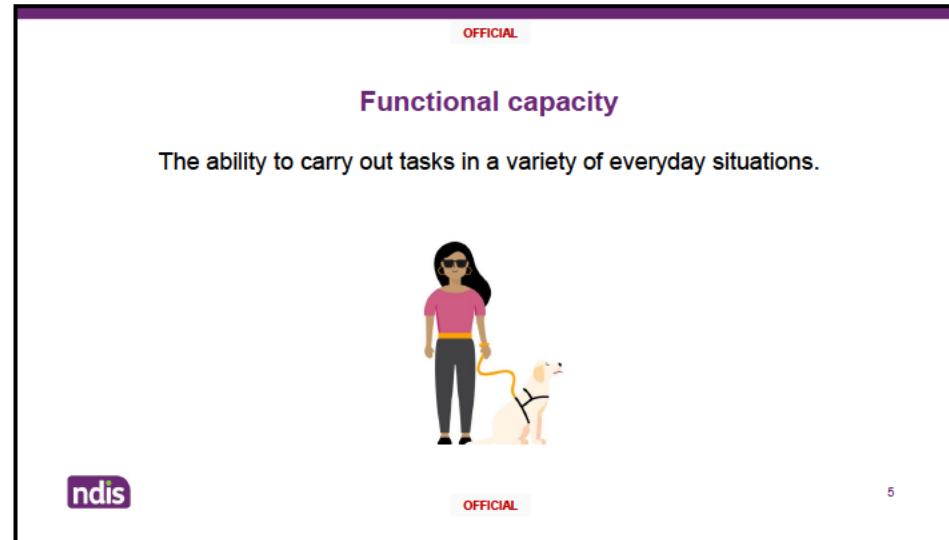
Facilitator notes:

State:

As defined in the NDIS Act, Section 24(1)(c) states: “The impairment or impairments result in a substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities: communication, social interaction, learning, mobility, self-care, self-management”

Simplified, this means that for this criterion we are assessing a person’s ability to complete activities in each of the six areas listed here. In this training session we’ll take a deeper look at how we can do that.

Click to go to next slide.



Facilitator notes:

State:

Firstly, let's understand what functional capacity means. Functional capacity is the ability to carry out tasks in a variety of everyday situations.


In our work, we will be looking at how a person's regular functioning is impacted by their impairment. We will need to know what their capacity is to complete daily tasks independently and where they need more help.

Click to go to next slide.

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A substantial reduction in functional capacity

- Usually need disability-specific supports
- Disability-specific supports:
 - a high level of support from other people
 - assistive technology, equipment or home modifications



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Facilitator notes:

State:

Our Guidelines tell us how to determine if an impairment **substantially** reduces a person’s functional capacity.

Generally, we will determine an impairment substantially reduces a person’s functional capacity if they usually need disability-specific supports to participate in any of the six listed activity areas.

Disability-specific supports include:

- a high level of support from other people, such as physical assistance, guidance, supervision or prompting.

- assistive technology, equipment or home modifications that are prescribed by your doctor, allied health professional or other medical professional.

Click to go to next slide.


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Commonly used items

Use of commonly used items does **not** indicate a substantial reduction in functional capacity.

Consider if the item is:

- widely available and used by many people?
- prescribed?
- adapted or personalised?



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Facilitator notes:

State:

The NDIS (Becoming A Participant) Rules tell us that assistive technology and special equipment does **not** include “Commonly used items” such as glasses.

When you are considering whether something might be a commonly used item or not, you can consider whether the item is:


- widely available and used by many people?
- prescribed for the person or purchased ‘off the shelf’?
- has it been adapted or personalised in any way for the person?

Click to go to next slide.

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Additional considerations

- Multiple permanent impairments are considered together
- Involvement in home, school, work and the community
- Ability over time, including ups and downs



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Facilitator notes:

State:

The Our Guidelines also outline some additional considerations to take into account when considering functional capacity.

For example, if the applicant has more than one permanent impairment we will consider them together, to see if their functional capacity is substantially reduced.

We consider how the applicant is involved in different areas of life like home, school, work and the community, and how they carry out tasks and actions. We also consider any other factors that may impact their day-to-day life.

We also recognise that a person's needs might go up and down each day or each month. Progressive Multiple

Sclerosis (MS) can be a good example of this. We consider the applicant's ability over time, taking into account their ups and downs.

Click to go to next slide.

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Activity areas

- Communicating
- Socialising
- Learning
- Mobility
- Self-care
- Self-management



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Facilitator notes:

State:

Now let's take a look at the specific life areas that we assess for NDIS eligibility.

Before we do this, it is important to note that applicants only need to be experiencing a substantial loss of function in **one** or more areas for s24(1)(c) to be met.

We do however, need to assess that the person is experiencing reduced function in the whole or majority of the activity area and not just some tasks.


Click to go to next slide.

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Communicating

How you speak, write, or use sign language and gestures, to express yourself compared to other people your age.

We also look at how well you understand people, and how others understand you.



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Facilitator notes:

State:

Communicating. This is how you speak, write, or use sign language and gestures, to express yourself compared to other people your age. We also look at how well you understand people, and how others understand you.

Some examples of things we consider or ask about when looking at a person's ability to communicate could be:

- Their ability to hear a conversation over the phone
- Their ability to speak or hear and be understood in a regular conversation or in a common situation such as in a café with background noise.


Click to go to next slide.

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Socialising

How you make and keep friends, or interact with the community, or how a young child plays with other children.

We also look at your behaviour, and how you cope with feelings and emotions in social situations



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Facilitator notes:

State:

Socialising. This is how you make and keep friends, or interact with the community, or how a young child plays with other children. We also look at your behaviour, and how you cope with feelings and emotions in social situations.

Some examples of things that indicate a person's ability to socialize are:


- If they have a friend
- Can they leave their own house?

Click to go to next slide.

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Learning

How you learn, understand and remember new things, and practise and use new skills.



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Facilitator notes:

State:

Learning. How you learn, understand and remember new things, and practise and use new skills.

Some examples of things to consider in this area could be:

- If the person could learn how to make a new meal
- Can they remember their daily morning routine such as breakfast and getting dressed or do they need to be reminded of each step.


Click to go to next slide.

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Mobility

How easily you move around your home and community, and how you get in and out of bed or a chair.

We consider how you get out and about and use your arms or legs.



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Facilitator notes:

State:

Mobility, or moving around is how easily you move around your home and community, and how you get in and out of bed or a chair. We consider how you get out and about and use your arms or legs.

Some examples to consider in this area could be:

- How the person is moving around inside their house.
- How the person is moving around over larger distances outside their house.


Click to go to next slide.

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Self-care

Personal care, hygiene, grooming, eating and drinking, and health.

We consider how you get dressed, shower or bathe, eat or go to the toilet.



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Facilitator notes:

State:

Self-care. This includes: personal care, hygiene, grooming, eating and drinking, and health. We consider how you get dressed, shower or bathe, eat or go to the toilet.

Again, some examples in this area to consider could be:

- If the person can shower and clean themselves.
- Can they go to the toilet and wipe using toilet paper independently.
- Can the person eat and drink even if they did not prepare the meal.


Click to go to next slide.

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Self-management (if older than 6)

How you organise your life. We consider how you plan, make decisions, and look after yourself. This might include day-to-day tasks at home, how you solve problems, or manage your money.

We consider your mental or cognitive ability to manage your life, not your physical ability to do these tasks.



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Facilitator notes:

State:

Self-management (if older than 6) is how you organise your life. We consider how you plan, make decisions, and look after yourself. This might include day-to-day tasks at home, how you solve problems, or manage your money. We consider your mental or cognitive ability to manage your life, not your physical ability to do these tasks.

Some examples to consider for Self Management could include:


- If the person needs assistance travelling to or remembering information at medical appointments. Whether a person has a licence or not is not a part of this or any other activity domain.
- Can the person problem solve when something unexpected happens?
- Can the person manage their own money, understand the value of money and make purchases?

Click to go to next slide.

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Activity

1. Paying the bills	7. Getting in and out of bed
2. Speaking and hearing on the phone	8. Filling in paperwork
3. Toileting	9. Walking to the shop
4. Washing hair	10. Contacting a tradesperson
5. Gardening	11. Cleaning the bathroom
6. Learning to catch a bus to a new location	



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Facilitator notes:

State:

When you are assessing 24(1)c for real applications, it can sometimes be difficult to determine whether one whole domain is met or if a few different activity domains are only partly met. This is why it is so helpful to correctly understand what type of tasks each domain includes.

Let's do an activity together now. I'll read out a list of regular daily tasks and using the definitions for each activity area found in the Operational Guidelines, raise your hand when you think you know where the task belongs or if it doesn't fit anywhere.

****Direct learners to the Operational Guidelines and the page "Does your impairment substantially reduce your functional capacity"***

Activity: Read out each task, give learners a chance to answer and then confirm if they are correct or not

using the below answer and further discussion.

Ok let's get started:

- | | |
|---|--|
| 1. Paying the bills. | A: Self Management |
| 2. Speaking and hearing on the phone | A: Communication |
| 3. Toileting | A: Self Care |
| 4. Washing hair | A: Self Care |
| 5. Gardening | A: Does not fit one specific domain. We |
| could ask more questions about the person's ability in mobility | and |
| self care areas | |
| 6. Learning how to catch a bus to a new location | A: Learning |
| 7. Getting in and out of bed | A: Mobility |
| 8. Filling in paperwork | A: Self Management |
| 9. Walking to the shop | A: Mobility |
| 10. Contacting a tradesperson to fix a broken washing machine. | A: Self Management |
| 11. Cleaning the bathroom | A: Does not fit one specific domain. We could ask more |
| questions about their ability in mobility, self | care or self |
| management depending on their impairment. | |

If a person is having difficulty with cleaning and gardening but can complete other activity tasks without assistance then they will not meet NDIS eligibility and we do not need to collect any additional information.

Click to go to next slide.

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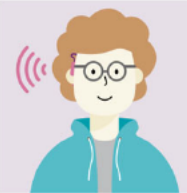
Hearing impairments

Substantially reduced functional capacity if:

- your hearing loss is at least 65 decibels in your better ear based on a pure tone average of 500Hz, 1000Hz, 2000Hz and 4000Hz.

OR

- your hearing loss is less than 65 decibels in your better ear and:
 - you also have another permanent impairment, such as a vision or cognitive impairment.
 - your speech detection and speech discrimination outcomes are significantly poorer than expected.



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Facilitator notes:

State:

You may remember that we looked at hearing loss earlier in your training.

Some hearing impairments may lead to a substantially reduced functional capacity. We can assess if a hearing impairment results in substantially reduced functionality capacity by following Our Guidelines.

Our Guidelines tell us that:

We'll generally decide you have a substantially reduced functional capacity if your hearing loss is at least 65 decibels in your better ear.

This is based on a pure tone average of 500Hz, 1000Hz, 2000Hz and 4000Hz.

We may also decide you have a substantially reduced functional capacity if your hearing loss is less than 65 decibels in your better ear. We may decide this if either:


- you also have another permanent impairment, such as a vision or cognitive impairment.
- you give us evidence your speech detection and speech discrimination outcomes are significantly poorer than expected.

Click to go to next slide.

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Assessing functional capacity in children

- we compare a child's abilities with other children of the same age
- consider Early Intervention if:
 - their function will be impacted in the future but isn't now
 - their function could improve after receiving supports



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Facilitator notes:

State:

The Operational Guidelines assists us to be able to assess applications for children as well and states:

To help us decide if a child's ability is substantially reduced, we compare their abilities with other children of the same age.

If a child's ability is much less than most other children the same age, they may meet the disability requirements. For example, if they:

- need assistive technology, equipment or home modifications to participate in daily activities – except for common items like glasses.
- usually need more assistance to join activities, or they can't join in.


Sometimes when a child's impairment doesn't substantially reduce their ability right now, but might in the future, we will look at the early intervention requirements. Similarly, if a child's impairment currently substantially reduces their ability, but may not after receiving supports, we will look at the early intervention requirements."

Click to go to next slide.

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Key points

- A person has a substantial reduction in function if they require assistance from a person or require assistive technology
- Use of commonly used items does not indicate substantial reduction
- One or more activity domains must be substantially impacted to meet eligibility



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Facilitator notes:

State:

- A person has a substantial reduction in function if they require assistance from a person or require assistive technology.
- Use of commonly used items does not indicate substantial reduction.
- One or more activity domains must be substantially impacted to meet eligibility

Click to go to next slide.



Facilitator notes:

State:


We've reached the end of our session on 24.1.c. Are there any questions about this topic?

(Facilitator to address learner questions then wrap up).

End of presentation

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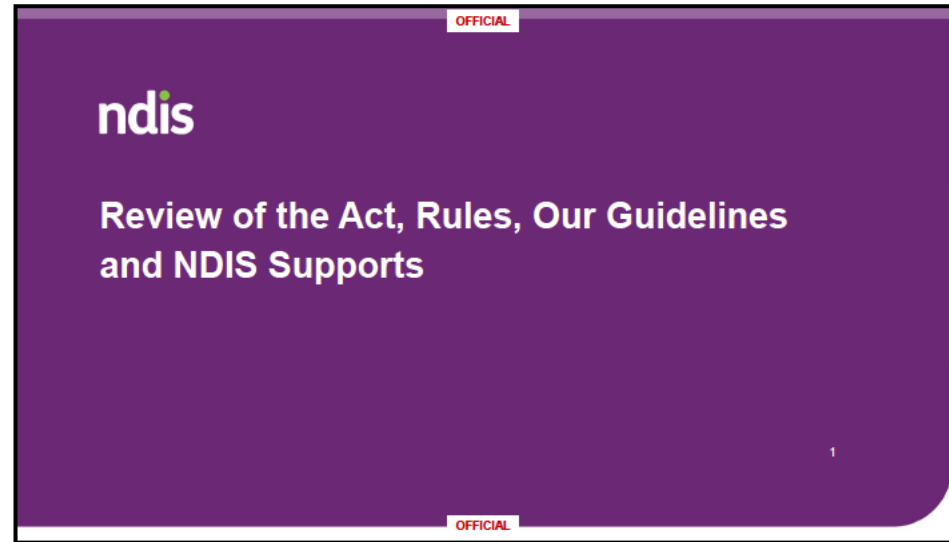
Version control



Version	Amended/ Approved by	Brief Description of Change	Status	Date
V1.0	CH0026	CLASS 2 APPROVAL	APPROVED	2023-12-15

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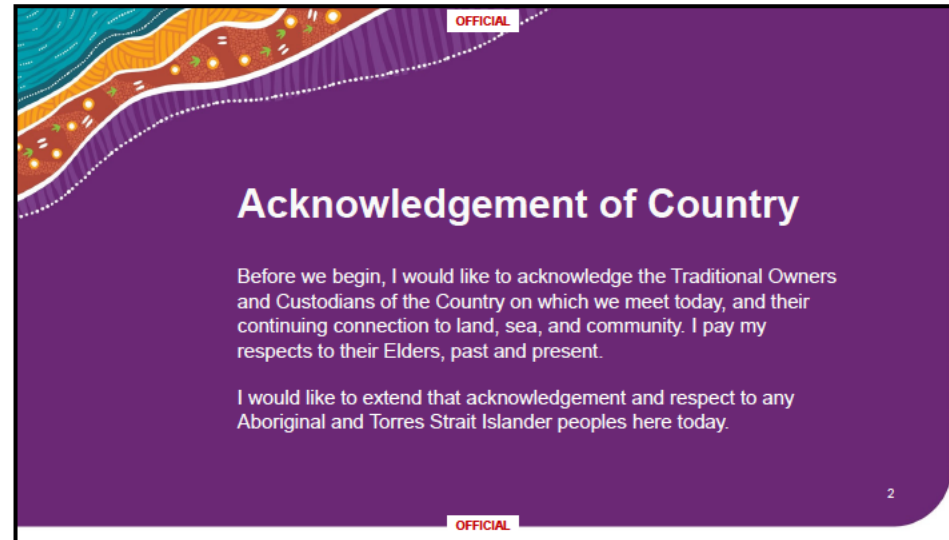


Facilitator notes:

Say

Hi everyone and welcome to this session on the Act, Rules, Our Guidelines and NDIS supports.

Click [to go to next slide]



Facilitator notes:

[Show or hide this slide as needed.]

Say

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

I acknowledge that I am facilitating this training from the lands of the *[insert name]* people.


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

Click [to go to next slide]

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Session Outline

In this module, we explore the **legislation** and **resources** that you'll use to guide your decision making.



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Facilitator notes:


Say

In this module, we explore the **legislation** and **resources** that you'll use to guide your decision making. This will include the NDIS Act, NDIS Becoming a Participant Rules, Our Guidelines and the NDIS supports lists.

Click [to go to next slide]

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Learning outcomes



This session has been designed to help you:

- Identify the legislation that underpins the NDIS
- Navigate to key guidance used in the Access process.

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Facilitator notes:

Say

Let's look at our learning outcomes for today's session.

This session has been designed to help you:

- Identify the legislation that underpins the NDIS and navigate to key guidance used in the Access process.

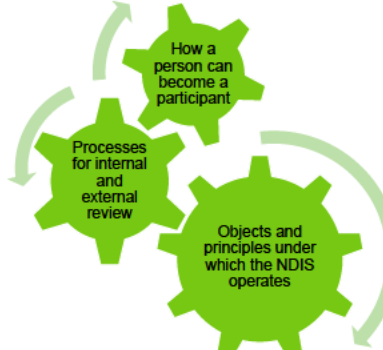
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NDIS Act

The National Disability Insurance Scheme (NDIS) Act is the **legislation** which **establishes** The National Disability Insurance Scheme.

To **access** the NDIS, a person **must** meet **specific access requirements** outlined in the **relevant legislation**.



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Facilitator notes:

Say

What is the NDIS Act?

Click [for animation]

The National Disability Insurance Scheme (NDIS) Act is the legislation which establishes The National Disability Insurance Scheme.

Among other things, the NDIS Act sets out:

- The objects and principles under which the NDIS operates
- How a person can become a participant in the NDIS
- A process for internal and external review of certain decisions made under the NDIS Act.

Click [*for animation*]

To access the NDIS, a person must meet specific access requirements outlined in the relevant legislation.

Click [to go to next slide]


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NDIS Act: Becoming a participant

The NDIS Act is the **primary** consideration when determining access.

Access - Part 1—Becoming a participant

- s 21: When a person meets the access criteria
- s 22: Age requirements
- s 23: Residence requirements
- s 24: Disability requirements
- s 25: Early Intervention Requirements
- s 26: Requests that the CEO may make



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Facilitator notes:

Say

The NDIS Act is the primary consideration when determining access for a person applying to become a participant of the Scheme.

The relevant section for Access is found within Chapter 3—Participants and their plans, Part 1—Becoming a participant.

This section covers items such as making an access request, the timeframes that we must make a decision upon receiving an access request, and when a person ceases to be a participant.

Part 1 – Becoming a Participant is important legislation for the access request and access decision making process.

As Access Assessors, Sections 21 through to 26 are the most common sections that you will be using in your day to day assessing.

Section 21: When a person meets the access criteria

Section 22: Age requirements

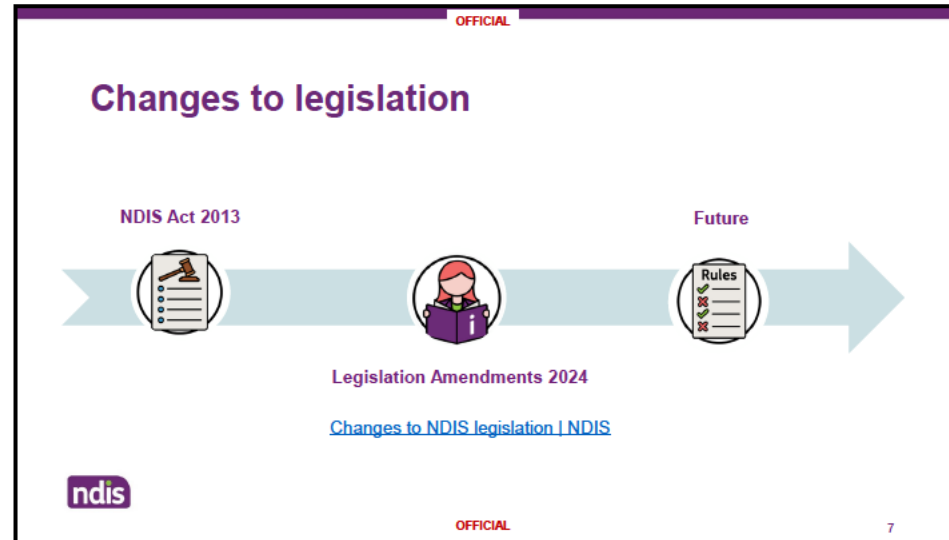
Section 23: Residence requirements

Section 24: Disability requirements

Section 25: Early Intervention requirements

Section 26: Requests that the CEO may make.

Click [to go to next slide]



Facilitator notes:

Say

Some amendments to the NDIS Act 2013 were made in 2024 and we will also see future changes. Changes to legislation and rules will be communicated as they come into effect and you can read detailed information on the NDIS website.

The 2024 changes to legislation:

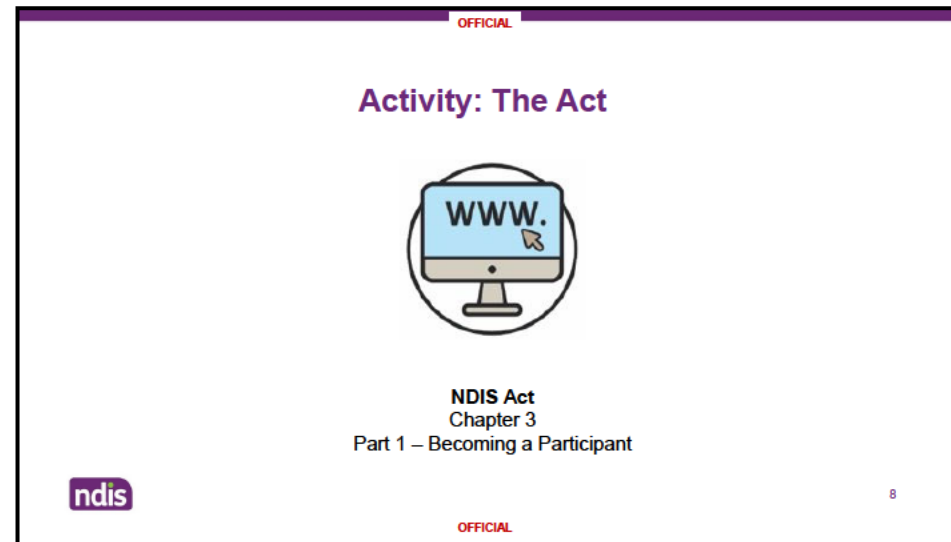
- Create the scaffolding needed to progress key NDIS Review recommendations in partnership with people with disability and the disability community.
- Clarify the intention of existing legislation to improve the delivery of the Scheme now, reinforcing the original intent of the Scheme.

Changes were implemented on 03.10.2024 and **YOU** will come across some of these changes in your work.

We have made it easy for you to identify any changes that apply by developing guidance and in-system prompts.

You will learn about each of these changes in detail as you progress through your training.

Click [to go to next slide]



Facilitator notes:

Say

We are now going to have a look at the NDIS Act.

Take some time to familiarise yourself with navigating the Act, and use the NDIS Act to answer the following questions.

[Refer learners to NDIS Act – Chapter 3 – Part 1 – Becoming a Participant. Go to the 'Intranet', hover over 'Service Delivery', select

'Access', scroll down and select 'NDIS Act 2013'.]

Paste in chat

[Question 1. If a person makes an access request, what must the CEO do? How long does the CEO have to do this?

Question 2. Does a person have to meet all five of the criteria to have met the Disability Requirements?

Question 3. When does a person become a participant in the NDIS?]

[Give learners 20 mins to complete activity. Answers on next slide.]

Click [to go to next slide]

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Answers: The Act


Question 1.
If a person (the prospective participant) makes an access request, the CEO must:

- (a) decide whether or not the prospective participant meets the access criteria; or
- (b) make one or more requests under subsection 26(1).

The CEO must do this within 21 days, unless specified for a lesser number of days in the Rules.

Question 2.
Yes. Under Section 24 - Disability Requirements, a person must meet Sections 24(1)(a) through to 24(1)(e) to meet the Disability requirements.

Question 3.
A person becomes a participant in the National Disability Insurance Scheme on the day the CEO decides that the person meets the access criteria.

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Facilitator notes:

Click *[for animation]*

Say

Question 1. If a person makes an access request, what must the CEO do? How long does the CEO have to do this?

Pause *[for answers]*

Click *[for animation]*

The answer can be found in Section 20 - CEO must consider and decide access requests.

If a person (the prospective participant) makes an access request, the CEO must:

- (a) decide whether or not the prospective participant meets the access criteria; or
- (b) make one or more requests under subsection 26(1).

The CEO must do this within 21 days, unless specified for a lesser number of days in the Rules.

Click [*for animation*]

Question 2. Does a person have to meet all five of the criteria to have met the Disability Requirements?

Pause [*for answers*]

Click [*for animation*]

Yes. Under Section 24, Disability Requirements, a person must meet Sections 24(1)(a) through to 24(1)(e) to meet the Disability requirements.

Click [*for animation*]

Question 3. When does a person become a participant in the NDIS?

Pause [*for answers*]

Click [*for animation*]

The answer can be found in Section 28 - When a person becomes a participant.

A person becomes a participant in the National Disability Insurance Scheme on the day the CEO decides that the person meets the access criteria.

How did everyone go with those questions? Any questions?


Click [*to go to next slide*]

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The NDIS (Becoming a Participant) Rules 2016

The NDIS Rules are legislative instruments made under the NDIS Act.

They accompany, and should be read in conjunction with, the NDIS Act.



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Facilitator notes:

Say

The NDIS Rules are legislative instruments made under the NDIS Act. They set out the more detailed operation of the NDIS. They accompany, and should be read in conjunction with, the NDIS Act.

Click [to go to next slide]

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NDIS Rules

The NDIS (Becoming a Participant) Rules 2016 assists delegates to determine who becomes a participant of the Scheme, and sets out rules in answer to the following questions:

When does a person meet the;

- age requirements?
- residence requirements?
- disability requirements?
- early intervention requirements?

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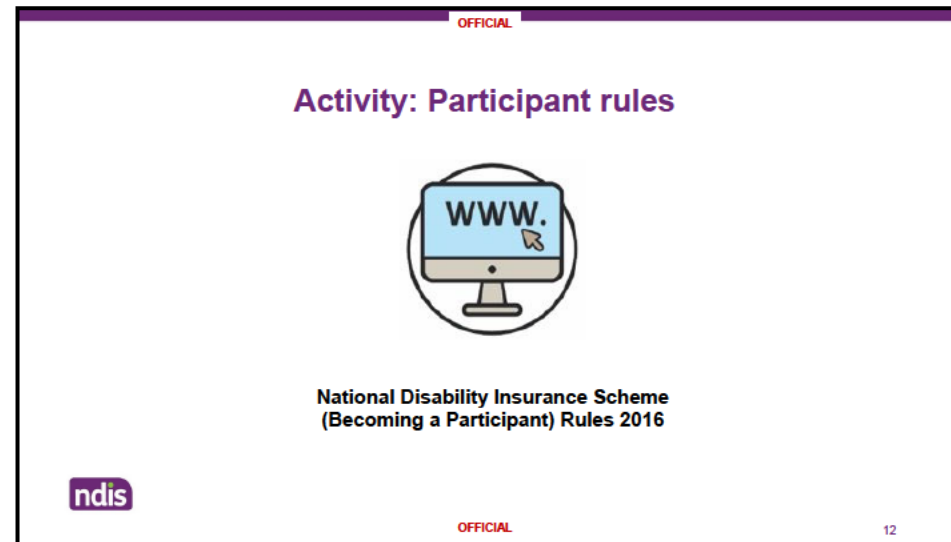
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Facilitator notes:

Say

The NDIS (Becoming a Participant) Rules 2016 assists Assessors to determine who becomes a participant of the Scheme, and sets out rules for when a person meets the age, residency, disability, and early intervention requirements.

Click to go to next slide



Facilitator notes:

Say

We are now going to have a look at the **National Disability Insurance Scheme (Becoming a Participant) Rules 2016.**

Take some time to read the **National Disability Insurance**

Scheme (Becoming a Participant) Rules 2016,
and then answer the following questions.

[Refer learners to *National Disability Insurance Scheme (Becoming a Participant) Rules 2016*. Go to the 'Intranet', hover over 'Service Delivery', select 'Access', scroll down and select '*National Disability Insurance Scheme (Becoming a Participant) Rules 2016*'.]

Paste in chat

[Question 1. What sections of the NDIS (Becoming a Participant) Rules 2016 relate to determining *when an impairment is permanent or likely to be permanent for the disability*

requirements?

Question 2. According to Part 2.2, what does the NDIS(Becoming a Participant) Rules 2016 do?

Question 3. Where will you find information on the Early Intervention requirements in the Rules?]

[Give learners 15-20 mins to complete activity. Answers on next slide.]

Click [to go to next slide]


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Answers: The rules

Question 1
Part 5.4 – 5.7

Question 2
The Instrument assists the CEO to determine who becomes a participant.

Question 3
Part 6 - When does a person meet the early intervention requirements?

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Facilitator notes:

Click *[for animation]*

Say

Question 1. What sections of the NDIS (Becoming a Participant) Rules 2016 relate to determining when an impairment permanent or likely to be permanent for the disability requirements?

Pause *[for answers]*

Click *[for animation]*

Part 5.4 – 5.7.

Click [*for animation*]

Question 2. According to Part 2.2, what does the NDIS(Becoming a Participant) Rules 2016 set out to do?

Pause [*for answers*]

Click [*for animation*]

The Instrument assists the CEO to determine who becomes a participant.

Click [*for animation*]

Question 3. Where will you find information on the Early Intervention requirements in the Rules?

Pause [*for answers*]

Click [*for animation*]

Part 6 - When does a person meet the early intervention requirements?


How did everyone go with those questions? Any questions?

Click [to go to next slide]

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Our Guidelines

Our Guidelines contain information about what to consider when making decisions under the NDIS Act.



[National Disability Insurance Scheme \(NDIS\) \(external\)](#)

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Facilitator notes:

Say

Our Guidelines contain information about what to consider when making decisions under the NDIS Act.

They are based on the NDIS Legislation and Rules, and provide guidance and Agency policy position, on the interpretation of legislation and Rules when determining whether a person with disability meets the access criteria to become a participant in the NDIS.

Click [to go to next slide]

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Our Guidelines



- The age requirements
- The residence requirements
- The disability requirements
- The early intervention requirements
- Determining whether an applicant meets the access criteria

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Facilitator notes:

Say

The most relevant sections of the Our Guidelines for Access are:

Click *[for animation]*

The age requirements

Click *[for animation]*

The residence requirements

Click [*for animation*]

The disability requirements

Click [*for animation*]

The early intervention requirements

Click [*for animation*]


Determining whether an applicant meets the access criteria

Click [to go to next slide]

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Lists A, D and B

For some primary disabilities, the access process is streamlined.



- **List A** – Conditions that are likely to meet the disability requirements
- **List D (aged under 7)** – Conditions that are likely to meet the early intervention requirements
- **List B** – The NDIA is satisfied that the person has a disability attributable to one or more impairments that are, or are likely to be, permanent (Section 24.1.a & Section 24.1.b are satisfied)

A person **does not** need to have a condition on a List to become a participant in the NDIS.

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Facilitator notes:

Say

Our Guidelines also contain a streamlined process for assessing applicants with certain disabilities.

Click [for animation]

Where a person has a condition on List A of Our Guidelines, they are likely to meet the disability requirements without the need to provide evidence of permanency or reduced functional capacity.

Click [for animation]

Where a child under the age of 7 has a condition on List D of Our Guidelines, they will meet the early intervention requirements without providing further evidence of their impairment.

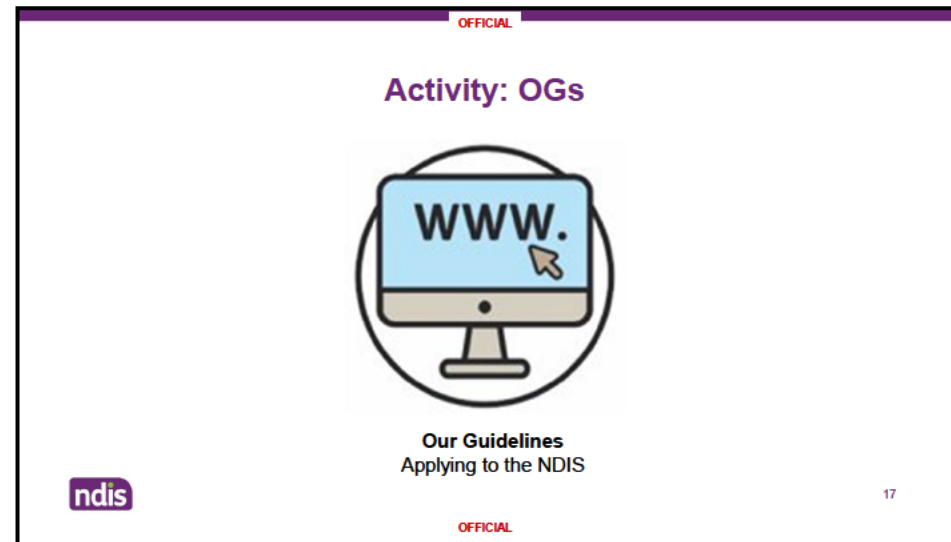
Click [*for animation*]

Where a person has a condition on List B of Our Guidelines, they will meet the requirement to have a disability attributable to impairment that is permanent. They will need to provide evidence about the impact of their impairment on their functional capacity and social or economic participation, and their need for lifetime support from the NDIS.

Click [*for animation*]

It is important to note that a person does not need to have a condition on a List to become a participant in the NDIS.

Click [to go to next slide]



Facilitator notes:

Say

We are now going to have a look at Our Guidelines.

Use Our Guidelines - Applying to the NDIS to answer the following questions.

[Refer learners to Refer to the Our Guidelines – Applying to the NDIS. Go to the ‘Intranet’, hover over ‘Service Delivery’, select ‘Access’,

scroll down and select 'NDIS Operational Guidelines', scroll down and select 'Applying to the NDIS'.]

Paste in chat

[Question 1. Ben is 64 when he submits an access request to the NDIA. We were not able to process the request until two weeks later, by which time Ben has turned 65. Does he meet the NDIA's Age Requirements?

Question 2. Nathan is an Australian citizen. He is 28 and for over a decade has spent most of each year in Jakarta, Indonesia with his Mum and Dad, who run a business there. Over Christmas each year Nathan returns to Sydney and lives with his grandmother for five weeks. Does Nathan's time with his grandmother mean that it's certain he will meet the Residence Requirements?

Question 3. Ricky was born in New Zealand. He received a Special Category Visa (SCV) when he arrived in Australia for the first time two years ago. Does Ricky meet the Residence Requirements?

Question 4. If an adult who has met the Age and Residence requirements then fails to meet all the Disability Requirements, what should the delegate then do?

Question 5: What is different in the access decision making process for people who have a condition on List A?

Question 6: Does a person need an impairment that is, or is likely to be, permanent in order to meet the Early Intervention criteria?

[Give learners 20-30 mins to complete activity. Answers on next slide.]

Click [to go to next slide]


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Answers: OGs (1 of 2)

Question 1
Yes. A person needs to be under 65 at the time of making the request.

Question 2
No. In fact, it's likely that Nathan won't meet the Residence criteria.

Question 3
No. Ricky must not only be a SCV holder, – he must be a 'Protected SCV'.

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Facilitator notes:

Click *[for animation]*

Say

Question 1: Ben is 64 when he submits an access request to the NDIA.

We were not able to process the request until two weeks later, by which time Ben has turned 65. Does he meet the NDIA's Age Requirements?

Pause *[for answers]*

Click *[for animation]*

Yes. A person needs to be under 65 at the time of making the request.

Click [*for animation*]

Question 2: Nathan is an Australian citizen.

He is 28 and for over a decade has spent most of each year in Jakarta, Indonesia with his Mum and Dad, who run a business there.

Over Christmas each year Nathan returns to Sydney and lives with his grandmother for five weeks.

Does Nathan's time with his grandmother mean that it's certain he will meet the Residence Requirements?

Pause [*for answers*]

Click [*for animation*]

No. In fact, it's likely that Nathan won't meet the Residence criteria – it sounds like he permanently resides in Jakarta.

The Access Delegate would need to explore the considerations against the Act and Our Guidelines.

Click [*for animation*]

Question 3: Ricky was born in New Zealand. He received a Special Category Visa (SCV) when he arrived in Australia for the first time two years ago.

Does Ricky meet the Residence Requirements?

Pause [*for answers*]

Click [*for animation*]

No. Ricky must not only be a SCV holder, – he must be a “Protected SCV”.

These are held by people who were in Australia with an SCV on 26 February 2001 or had been in the country for at least 12 months out of the two years before that date.

Click [to go to next slide]

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Answers: OGs (2 of 2)

Question 4


Consider whether the person would meet the early intervention requirements.

Question 5

That the person meets all elements of the disability requirements in section 24 of the NDIS Act without requiring additional evidence.

Question 6

Yes – the impairment needs to be permanent or likely to be permanent, unless the person has an impairment that is on List D or is a child under 6 years of age with a developmental delay.

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Facilitator notes:

Click *[for animation]*

Say

Question 4: If an adult who has met the Age and Residence requirements then fails to meet all the Disability Requirements, what should the delegate then do?

Pause *[for answers]*

Click *[for animation]*

The delegate should then consider whether the person would meet the early intervention criteria.

Note that for children under seven this order is reversed – delegates should first consider whether the child meets the EI requirements (unless they are on List A).

Click *[for animation]*

Question 5: What is different in the access decision making process for people who have a condition on List A?

Pause *[for answers]*

Click *[for animation]*

The delegate can be satisfied that the person meets all elements of the disability requirements in section 24 of the NDIS Act without requiring additional evidence.

Click *[for animation]*

Question 6: Does a person need an impairment that is, or is likely to be, permanent in order to meet the Early Intervention criteria?

Pause *[for answers]*

Click *[for animation]*

Yes – the impairment needs to be permanent or likely to be permanent.

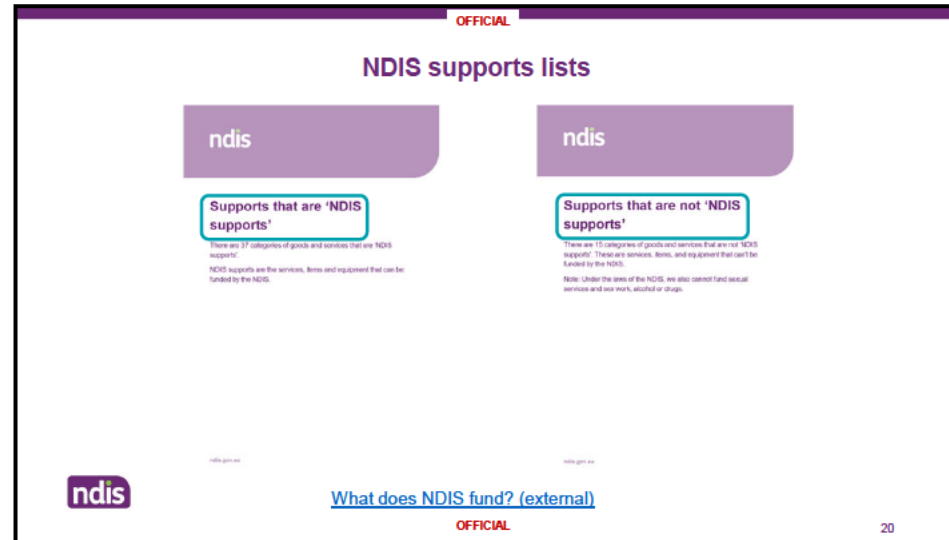
Unless the person has an impairment that is on List D, or is a child under 6 years of age with a developmental delay.

EI seeks to address the IMPACT (not the permanency) of the impairment through the provision of appropriate

supports.

How did everyone go with those questions? Any questions?

Click [to go to next slide]



Facilitator notes:

Say

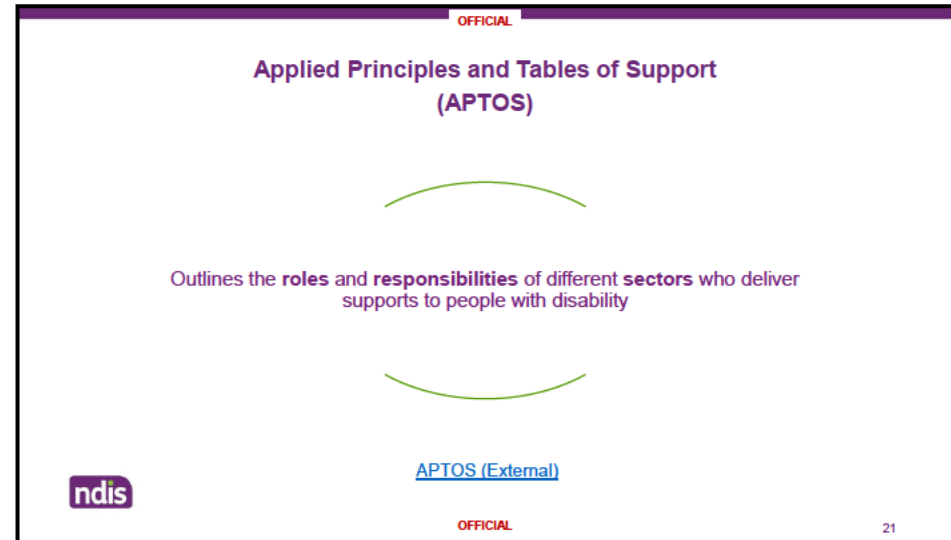
There are many government services providing supports to people with disability, including the NDIS, and state, territory and Commonwealth Government services like health, education, justice and transport.

NDIS supports are the services, items, and equipment that can be funded by the NDIS.

We refer to the NDIS supports lists to determine what can be funded by the NDIS and to help us make access decisions.

The NDIS Supports lists detail [what NDIS funding can and cannot be spent on.](#)

Click [to go to next slide]



Facilitator notes:

Say

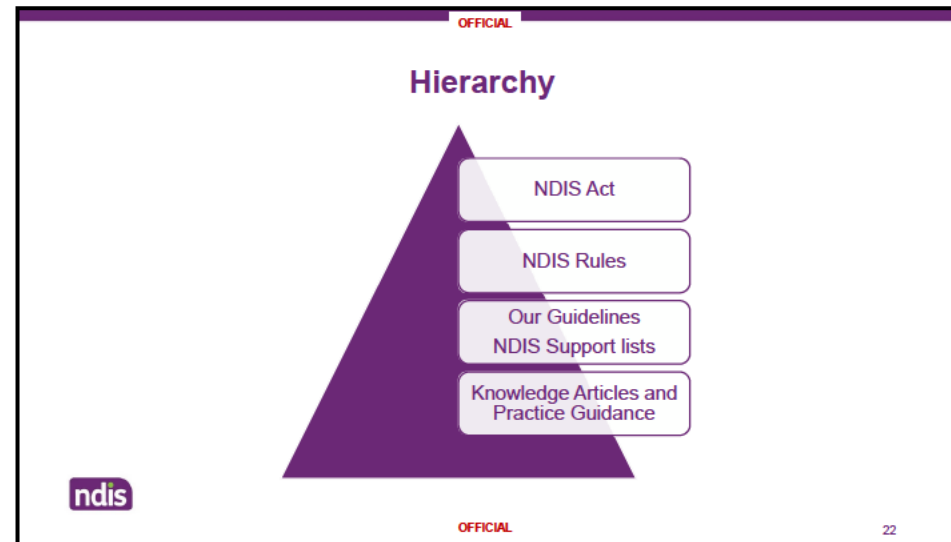
Our governments work together so that people with disability receive the support they require to meet their individual needs.

The Applied Principles and Tables of Support (APTOS) is a document outlining the roles and responsibilities of different sectors who deliver supports to people with disability.

The APTOS was developed by the former Council of Australian Governments (COAG) and you may hear the resource referred to internally as COAG.

The APTOS is publicly available and can provide you with further understanding of service systems available throughout Australia.

Click [to go to next slide]



Facilitator notes:

Say

As an Agency, we deliver the NDIS through the legislation of the NDIS Act and the NDIS Becoming a Participant Rules 2016.

Our Guidelines set out the Agency policy position and help inform the public on how we interpret the legislation.

Our Guidelines and the NDIS supports lists are based on the NDIS Legislation and Rules.

They have information on how we as an Agency make decisions.

The Act, Rules, Our Guidelines and NDIS supports list are there to support you to do your work.

They are also available to the public on the NDIS website.

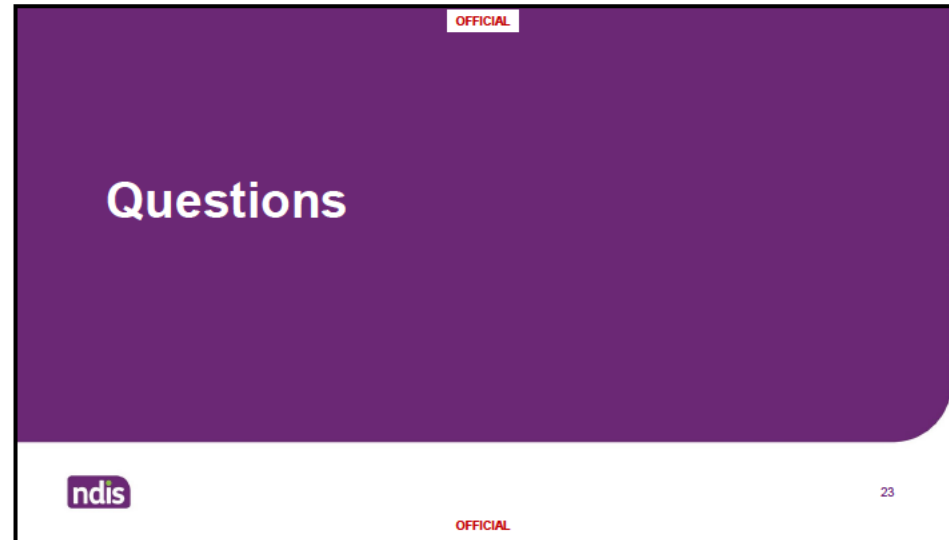
We also have resources that are only available to internal staff.

These resources describe the process for us to complete our work in our Business System.

An example of this are Knowledge Articles.

During your training you will need to become comfortable with where to find the information you need to do your work.

Click [to go to next slide]



Facilitator notes:

Say

That brings us to the end of this training session.

Does anyone have any questions?

[Look for hands up and answer questions.]

Click [to go to next slide]

The screenshot shows a presentation slide with a purple header bar containing the word "OFFICIAL" in white. The main content area is white and features the heading "Resources" in purple. Below the heading are five blue hyperlinks: "NDIS Act 2013 (external)", "NDIS (Getting the NDIS Back on Track No. 1) Act 2024 (external)", "Our Guidelines – Applying to the NDIS (external)", "NDIS (Becoming a Participant) Rules 2016 (external)", and "NDIS supports lists (external)". To the right of the links is a purple circular icon containing a document with a magnifying glass. In the bottom left corner is the NDIS logo, and in the bottom right corner is the number "24". The word "OFFICIAL" is also printed in red at the bottom center of the slide.

Facilitator notes:

Say

Here is a list of resources relevant to this module. Please take a few moments to bookmark them if you haven't already.

Thanks everyone, bye.

End of presentation

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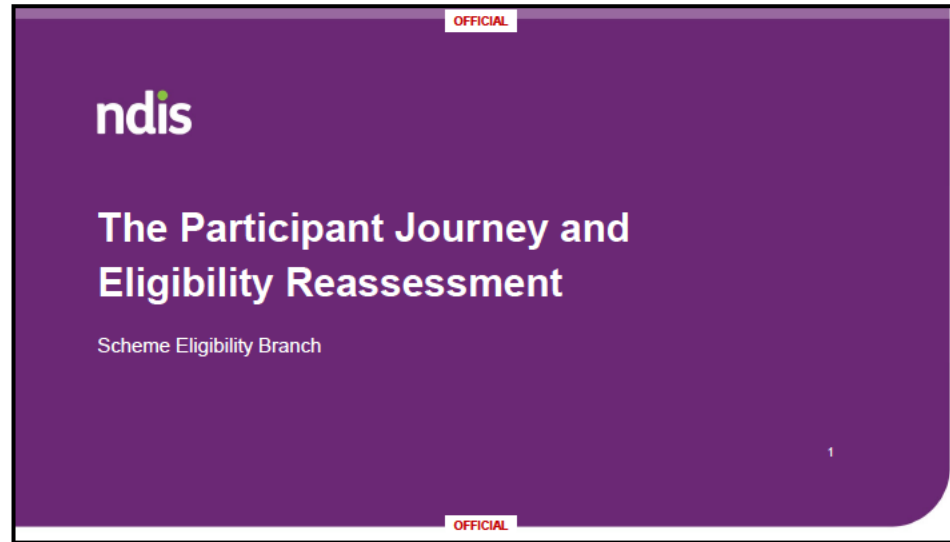
Version Control

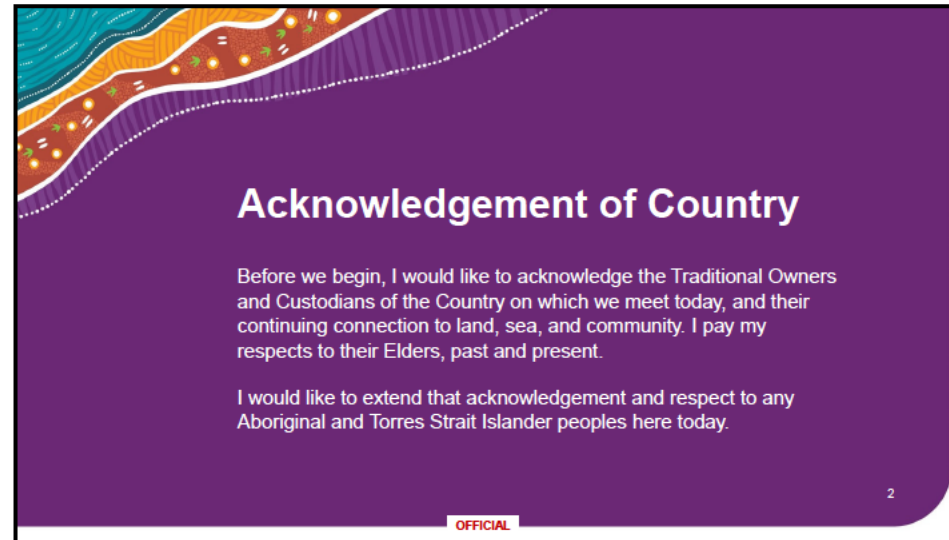
Version	Amended/ Approved by	Brief Description of Change	Status	Date
V3.0	CH0026	CLASS 2 Approval	APPROVED	2024-11-06

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Facilitator notes:

Say

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

I acknowledge that I am facilitating this training from the lands of the **[insert name]** people.

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


Click [to go to next slide]

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Learning outcomes

This session has been designed to help you:

- understand the participant journey, including leaving the NDIS
- gain insight into what Eligibility Reassessment (ER) is, why it's important, and how it relates to the participant journey
- recognise the stages of the ER process
- develop a broad understanding of the NDIS eligibility criteria



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3

Facilitator notes:

Say

In this session, we will be learning more about the 'participant journey' with the NDIS, and where your role in the Scheme Eligibility Branch (SEB) fits within this.

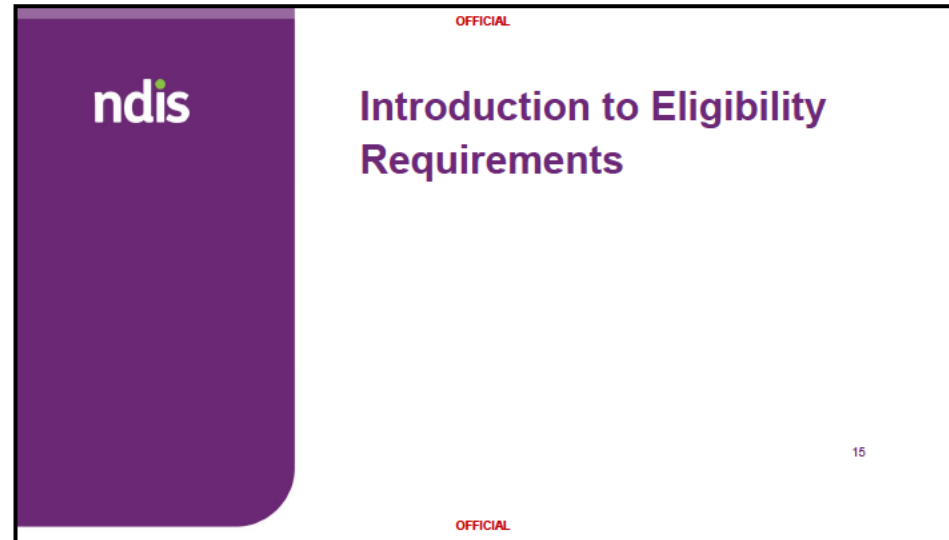
This session has been designed to help you:

- understand the participant journey, including leaving the NDIS
- gain insight into what Eligibility Reassessment (ER) is, why it's important, and how it relates to the participant journey

- recognise the stages of the ER process
- develop a broad understanding of the NDIS eligibility criteria

Please feel free to ask questions throughout the session by raising your hand. Let's get started.

Click [to go to next slide]



Facilitator Notes

Say

Now that we understand a little more about what an Eligibility Reassessment is and why it is important, let's explore the NDIS eligibility requirements.

Remember, this is a broad introduction to the main concepts and eligibility requirements we look at in ER. We will continue to explore these further as we progress through training.

Click [to go to next slide]



Facilitator notes:

Say

Before we go any further, let's do a quick exploration activity into our eligibility requirements, and why a person may leave the scheme.

[Remind learners that this is just an exploration activity to get them looking at our external website and start thinking about our eligibility requirements. They are not expected to understand all of the NDIS Act and Rules or OGS.]

[Direct learners to go to: www.ndis.gov.au for this activity. Paste the first two questions in the chat and give learners a few minutes to answer.]

Questions:

1. If you were a participant wanting to find out more about our eligibility requirements, where would you look?
2. How many requirement categories are there, and what are they?

Say

1. **A:** Go to: www.ndis.gov.au, go to Am I Eligible.
2. **A:** Four. Age, residency, disability and early intervention.

This page provides information on gaining access to the scheme but is also useful for understanding each criteria more broadly.

However, some eligibility requirements in ER are a little different. For example, there are no age requirements in ER.

For more specific information on Eligibility Reassessments and Leaving the NDIS, does anyone know where a participant might find this?

Click

They could access the 'Leaving the Scheme' page on the NDIS website, or the 'Leaving the NDIS' section of Our Guidelines. Using the links to these pages on the slide, answer the following questions.

[Facilitators may direct learners to find page pathways: www.ndis.gov.au > For participants > Changing your plan > Leaving the Scheme; or Understanding the NDIS > Our guidelines > Leaving the NDIS]

[Paste the remaining questions in the chat and give learners 15 mins to answer questions. Let learners know they can ask questions or for assistance by raising their hand or via the chat.]

Questions:

1. What are some reasons why a participant might leave the NDIS?
2. Paul just turned 65 years old and has recently moved permanently into a residential aged care facility. Is he still eligible for NDIS support? What if he moved into aged care before turning 65?
3. Malik is an Australian citizen but spends most of his time in Thailand where his parents work. Does he still meet the residency requirements?
4. Sienna originally came onto the scheme under early intervention for a developmental delay. She just turned 5 years old. Does she still meet the eligibility requirements?

[Bring the group back to share answers and discuss (answers located below).]

Click [to go to next slide]

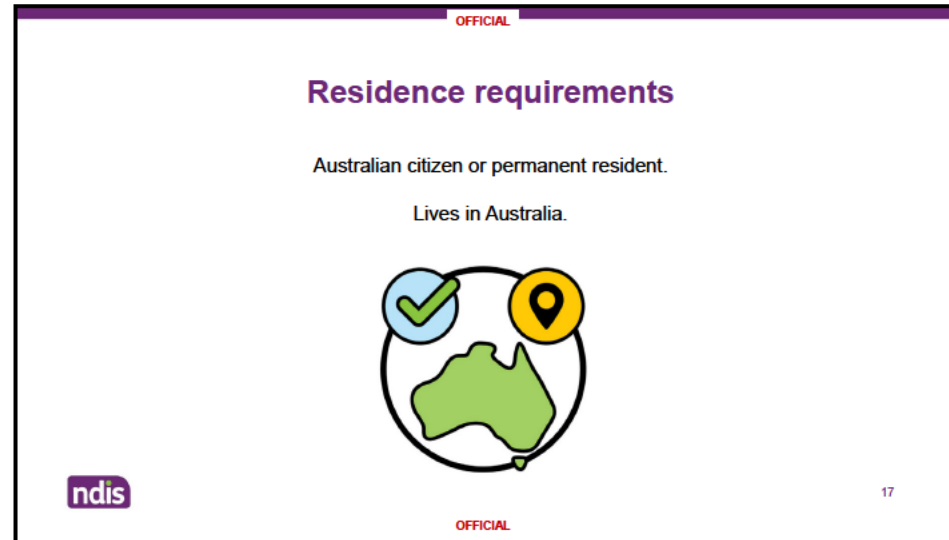
Answers:

1. Participants may leave the NDIS if they no longer meet the eligibility criteria or can choose to leave voluntarily.
2. You'll leave the NDIS if you move into a residential aged care service permanently for the first time after you turn 65. If you were already living in residential aged care before you turn 65, you can still be an NDIS participant after you turn 65.
3. Participants need to live in Australia to stay on the NDIS. If they leave Australia permanently, or live overseas

the majority of the time, they won't be eligible anymore, and we may decide to revoke their participant status.

4. Sienna is still eligible for the scheme as she is under 6 years old. If a child met the early intervention requirements for developmental delay, they're usually no longer eligible after they turn 6.

This is because they will no longer meet the eligibility criteria under developmental delay. To remain a NDIS participant after they turn 6, the child will need to have an impairment that's likely to be permanent. They will also need to meet either the disability requirements or the early intervention requirements.



Facilitator notes:

Say

A participant must meet the residence requirements to remain eligible for the NDIS.


This means the participant:

- is an Australian citizen or permanent resident, and
- lives in Australia.

Click [to go to next slide]

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Disability requirements



- The NDIS supports people who have a disability caused by a **permanent impairment**.
- The impairment may be **intellectual, cognitive, neurological, sensory, physical, or psychosocial**.
- The impairment results in a substantially reduced functional capacity.
- The person is likely to require NDIS supports for their lifetime.

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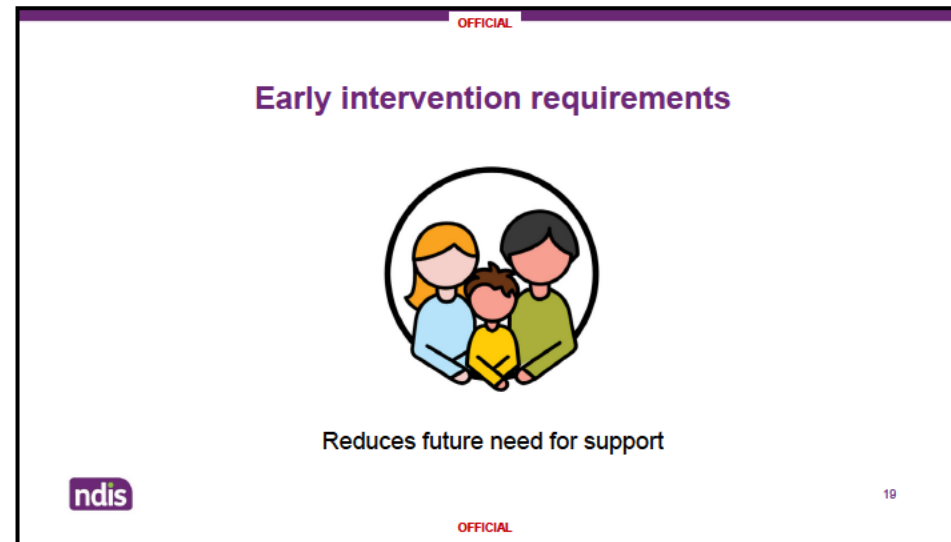
Facilitator notes:

Say

To meet the disability requirements, a participant must have evidence of a **permanent impairment**. This impairment may be intellectual, cognitive, neurological, sensory, physical, or psychosocial.

The impairment must substantially reduce the person's functional capacity, and the person must be likely to require NDIS supports for their lifetime.

Click [to go to next slide]



Facilitator notes:

Say

For early intervention, we must decide whether receiving early intervention supports means a participant will likely need fewer disability supports in the future.

We need to know that early intervention supports will help them with at least one of the following:

- addressing the impact of their impairment on their ability to move around, communicate, socialise, learn, look after themselves and organise their life.
- preventing their functional capacity from getting worse.
- improving their functional capacity.
- strengthening their informal supports, which includes building their skills to support the participant.


We also need to know that the early interventions supports that would be likely to benefit the person are NDIS supports.

Click [to go to next slide]

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The eligibility requirements

- **Residence** (section 23) and:
- **Disability** (section 24); or
- **Early intervention** (section 25)



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Facilitator notes:

Say

So to recap, a participant will remain eligible for NDIS support if at the time of the ER they meet the following eligibility requirements, as outlined in the NDIS Act:

- Residence requirements (section 23) **and** the:
- Disability requirements (section 24); **or**
- Early intervention requirements (section 25)

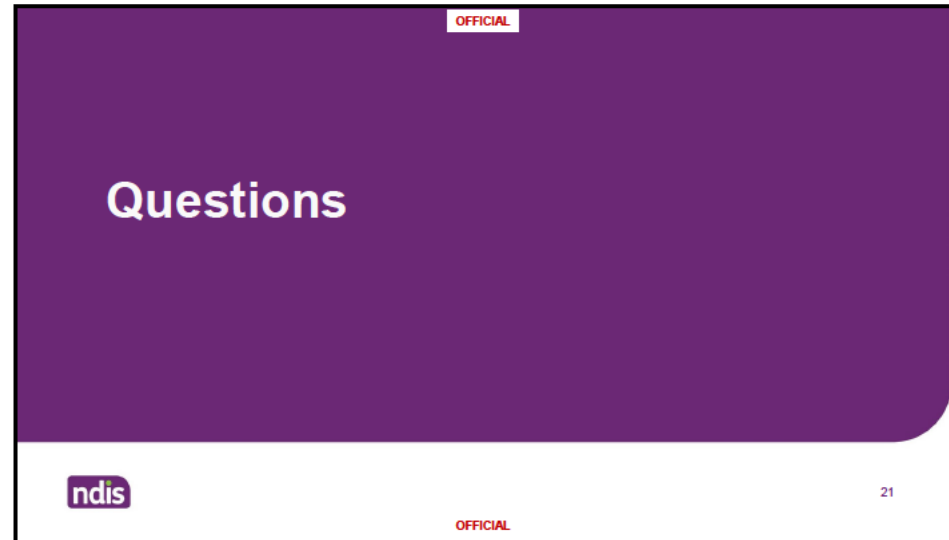
In Eligibility Reassessment, a participant only needs to meet the criteria for either the disability or the early

intervention requirements – not both.

This differs from Access, where under current legislation, an applicant can meet both disability and early intervention requirements.

Remember - we will cover the eligibility requirements for ER further as we move through training.

Click [to go to next slide]



Facilitator notes:

Say


This concludes our training on the participant journey, and our introduction to eligibility reassessment.

We've only just scratched the surface of our training, and will provide more support to understand your role, and our legislation and guidelines, over the course of training.

Does anyone have any questions before we move on?

Click [to go to next slide]

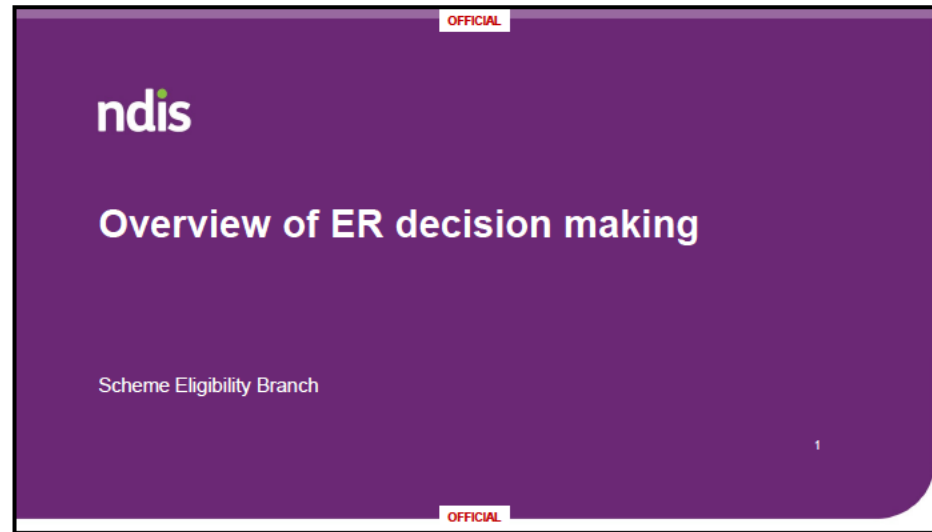
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Version	Approved by	Brief Description of Change	Status	Date
V1.0	CH0026	Class 2 approval	APPROVED	2024-11-04

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Facilitator notes:

Say

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

I acknowledge that I am facilitating this training from the lands of the **[insert name]** people.


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

Click [to go to next slide].

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Session outline:
Overview of Eligibility Reassessment decision making

Part One: ER eligibility requirements Residence requirements (section 23) and: Disability requirements (section 24); or Early intervention requirements (section 25)	Part two: Making your decision Streamlined access, critical thinking, and communicating the decision.
--	--



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3

Facilitator notes:

Say

Welcome to this module, where we will guide you through the essential decision-making tasks for Eligibility Reassessment assessors. The module is split into two parts.

In Part One, we focus on understanding the eligibility requirements. Before getting into the decision-making process, it's crucial to understand the requirements and the initial steps involved in assessing a participant's eligibility. We cover the key eligibility criteria, which are listed here on the left.

In Part two, we move on to show you how to make your decision based on the evidence and information gathered, through to communicating the decision to the applicant.


Click [to go to next slide]

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Learning outcomes

This session has been designed to help you:

- develop a broad understanding of the eligibility requirements for receiving NDIS support
- build confidence in navigating the Intranet and sourcing information in Our Guidelines
- enhance your critical thinking skills while reviewing evidence
- develop an understanding of streamlined eligibility processes
- recognise the stages and outcomes of the Eligibility Reassessment process
- understand the final tasks involved in making and communicating your decision.



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4

Facilitator notes:

Say

Let's look at our learning outcomes for today's session.

This session has been designed to help you:

- develop an understanding of access decision-making tasks
- understand the disability and early intervention requirements for accessing the NDIS.
- enhance your critical thinking skills while reviewing evidence.
- develop an understanding of streamlined eligibility processes
- recognise the stages and outcomes of the Eligibility Reassessment process

- understand the final tasks involved in making and communicating your decision.


Click [to go to next slide]

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Eligibility requirements

A participant will remain eligible for the NDIS if they meet the following eligibility requirements:

- Residence requirements (section 23) **and**:
- Disability requirements (section 24); **or**
- Early intervention requirements (section 25)



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Facilitator notes:

Say

For us to complete an eligibility reassessment, we need to have a solid understanding of these eligibility requirements. Let's recap what they are.

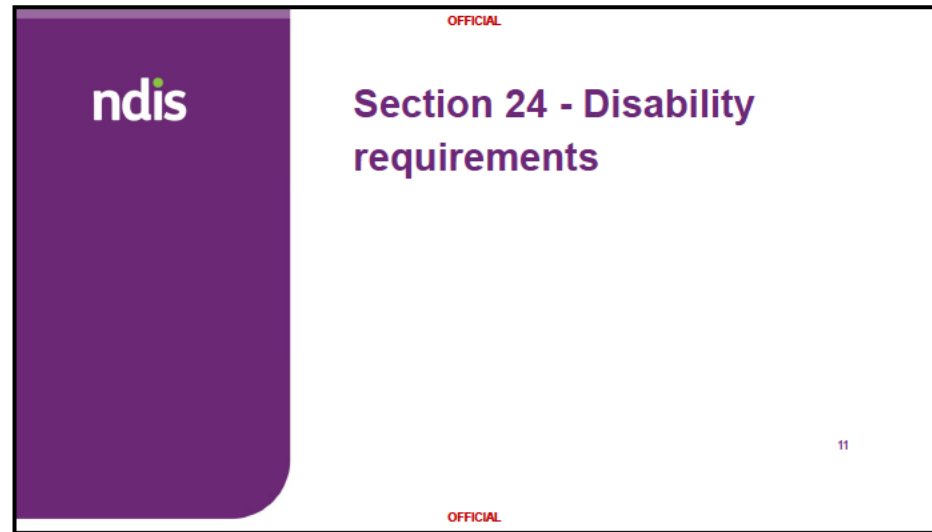
A participant will remain eligible for the NDIS if they meet the following eligibility requirements, as outlined in the NDIS Act:

- Residence requirements (section 23) **and**;
- Disability requirements (section 24); **or**

- Early intervention requirements (section 25)

You will get more familiar with these requirements as we move through today's training. Let's start with residency requirements on the next slide.

Click [to go to next slide]




Click [to go to next slide]

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Disability requirements (s24)

(1) A person meets the disability requirements if:

- (a) The person has a disability due to intellectual, cognitive, neurological, sensory, physical, or psychosocial impairments; and
- (b) The impairment is, or is likely to be, permanent; and
- (c) The impairment results in substantially reduced functional capacity; and
- (d) The impairment affects the person's capacity for social or economic participation; and
- (e) The person is likely to require NDIS supports for their lifetime.



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Facilitator notes:

Say

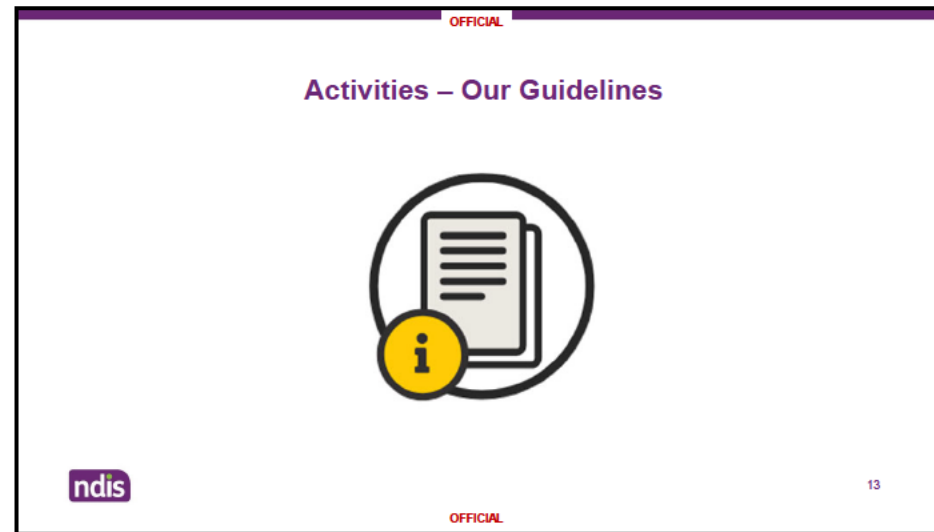
In this part, we'll explore the disability requirements for accessing the NDIS, as outlined in Section 24 of the NDIS Act.

You can see the relevant subsections on the slide.

In summary, Section 24 of the NDIS Act specifies that to access the NDIS, a person must have a permanent impairment that significantly reduces their ability to perform daily activities such as communication, social interaction, learning, mobility, self-care, or self-management. Additionally, they must require lifelong support under the NDIS.

We'll do a range of activities aimed at building your knowledge on these requirements and your confidence in navigating the Intranet and sourcing information in Our Guidelines.

Click [to go to next slide]



Facilitator notes:

[Facilitator to demonstrate navigating to the correct area of the OGs noting that the website may have undergone changes. Facilitator to emphasise that OG Applying for the NDIS assists in understanding the legislation, while Leaving the NDIS explains ER.]

Say

Now we're going to do some activities. In these activities, you will need to navigate to Our Guidelines. I will show you how to do this now.

[Share your screen and follow the steps below whilst explaining the steps to the learners.]

- Go to the Access page on the intranet by opening a new tab on your browser, hovering over 'Service Delivery' and

selecting 'Access'.


- Scroll down slightly and select 'NDIS Operational Guidelines (external)'.
- Scroll down and select 'Applying to the NDIS'.
- Scroll down. You'll see that there are 2 versions of our 'Applying to the NDIS' guidelines. They are 'Applying to the NDIS' and 'Applying to the NDIS – Pre-legislation changes'. For these activities, we will select the first one, 'Applying to the NDIS'.

In each activity, you will navigate to a different section within Our Guidelines, and answer several questions.

Click [to go to next slide]

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Activity one - Disability requirements



Section 24(1)(a)

The person has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical **impairments** or to one or more impairments attributable to a psychiatric condition.

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Facilitator notes:

Activity: Learners navigate the intranet and source information in *Our Guidelines – Applying to the NDIS*.

Say

Let's begin with the Disability Requirements. For this activity, navigate to the sub-heading 'Do you meet the disability requirements?'.

Paste in chat

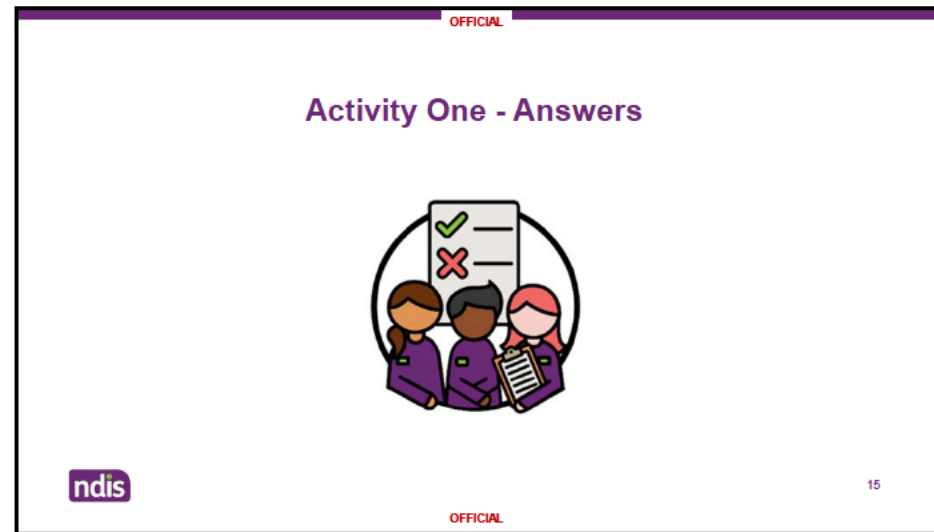
1. How would you explain 'impairment' in plain English?
2. What does the Agency think about when considering a person's disability?
3. Define the following impairments: intellectual, cognitive, neurological, sensory, physical.
4. True or False? Diagnostic evidence will generally be required to determine whether a person has a disability

caused by an impairment.

5. *How important is the cause of a person's impairment?*

[Give learners 15 mins to complete activity. Answers on next slide.]

Click [to go to next slide]



Facilitator notes:

[Bring the group back and go through their responses using the answers and additional debrief points below.]

Say

Section 24(1)(a) : The person has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments or to one or more impairments attributable to a psychiatric condition.

So, let's go through the questions!

Question 1: How would you explain 'impairment' in plain English?

Pause [*for answers*]

A: Loss of, or damage to, a physical, sensory or mental function.

Question 2: What does the Agency think about when considering a person's disability?

Pause [*for answers*]

A: When considering a person's disability, we think about whether any reduction or loss of ability to do things, across all life domains, **is because of an impairment.**

Question 3: Define the following impairments: intellectual, cognitive, neurological, sensory, physical.

Pause [*for answers*]

Answer:

- intellectual – how a person speaks and listens, reads and writes, solves problems, and processes and remembers information
- cognitive – how a person thinks, learns new things, uses judgment to make decisions, and pays attention
- neurological – how the body functions
- sensory – how a person sees or hears
- physical – the ability to move parts of the body

Question 4: True or False? Diagnostic information will generally be required to determine whether a person has a disability attributable to an impairment.

Pause [*for answers*]

A: True. Whilst the NDIA is not diagnostically driven, an ERA requires evidence from a relevant Treating Health Professional to make the ER decision.

Question 5: How important is the cause of a person's impairment?


Pause [*for answers*]

A: It doesn't matter what caused the person's impairment, for example if they've had it from birth, or acquired it from an injury, an accident or a health condition.

Click [to go to next slide]

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Activity Two – Disability requirements



Section 24(1)(b)

The impairment or impairments are, or are likely to be, **permanent**

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Facilitator notes:

Say

Let's look at the next section, 24(1)(b): the impairment or impairments are, or are likely to be, permanent.

To complete this next activity, you need to refer to the sub-heading 'Is your impairment likely to be permanent?'

Paste in chat

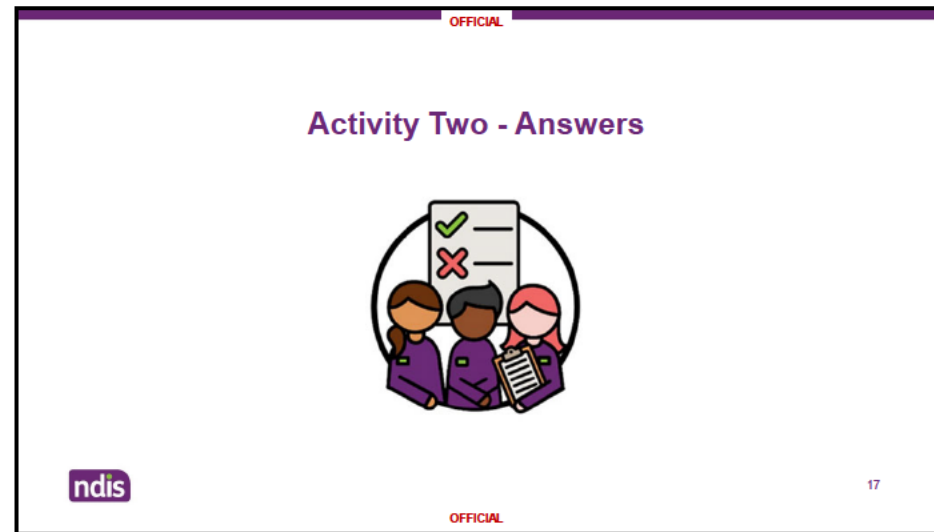
1. *True or False? A disability is, or is likely to be, permanent only if there are no known, available and appropriate evidence-based clinical, medical or other treatments that would be likely to remedy the*

impairment.

2. *If a disability varies in intensity, could it still meet permanence criteria despite the variation? For example – impairments that are of a chronic episodic nature.*
3. *What evidence would you need to sight to be satisfied that the disability is permanent, or likely to be permanent?*

[Allow learners 15 minutes to complete the activity. Answers on next slide.]

Click [to go to next slide]



Facilitator notes:

[Bring the group back and go through their responses using the answers and additional debrief points below.]

Say

Section 24(1)(b): the impairment or impairments are, or are likely to be, permanent.

Question 1: True or False? **An impairment is, or is likely to be, permanent only after all available and appropriate treatment options have been pursued.**

Pause *[for answers]*

A: True. If there is a potential treatment which may reduce, or eliminate, disability related functional impacts this must be explored before the impacts are considered permanent.

However, if treatment has been explored or is in progress, and a relevant Treating Health Professional verifies the impairment will remain irrespective of the treatment outcome, permanence would be met.

This is particularly relevant for a person with a psychosocial disability who may still be receiving clinical treatment.

Question 2: If a disability varies in intensity, could it still meet permanence criteria despite the variation? For example – impairments that are of a chronic episodic nature.

Pause [*for answers*]

A: Yes. An impairment may also be permanent even if the severity of its impact on the functional capacity of the person, may fluctuate or improve.

An impairment might still be considered permanent due to the overall impact on a person's life, and the likelihood of lifetime impact.

Impairments of a degenerative nature are also permanent, or likely to be, if medical / other treatments haven't, or are unlikely to improve it.

Question 3: What evidence would you need to sight to be satisfied that the disability is permanent, or likely to be permanent?

Pause [*for answers*]

That:

- There are no known, available, appropriate and evidence-based treatments likely to remedy the impairment
- An impairment that varies in intensity is permanent despite the variation
- The impairment is permanent despite the fact that its functional impacts may fluctuate or improve
- Further treating or medical review is not required to demonstrate that the impairment is permanent
- No further medical or other treatment would be likely to improve an impairment that is degenerative in nature

To summarise:

The purpose of the legislation is to rule out cases where permanency or likely permanency has not been established because the person requires further medical treatment or review before this can be demonstrated.

This does not mean that an impairment will not be permanent or likely to be permanent if it requires further medical treatment or review.


In some cases, an impairment may continue to be treated and reviewed after it has been demonstrated that is permanent or likely to be permanent.

If a relevant Treating Health Professional verifies disability related functional impacts will remain irrespective of the treatment outcome, permanence would be met.

Click [to go to next slide]

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Activity Three – Disability requirements



Section 24(1)(c)

The impairment or impairments result in **substantially reduced functional capacity** to undertake, or psychosocial functioning in undertaking, one or more of the following activities:

- (i) communication;
- (ii) social interaction;
- (iii) learning;
- (iv) mobility;
- (v) self-care;
- (vi) self-management

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Facilitator notes:

Say

To answer these next questions, you need to refer to the sub-heading ‘Does your impairment substantially reduce your functional capacity?’

Section 24(1)(c): the impairment or impairments, result in substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities:

- Communication
- Social interaction
- Learning
- Mobility

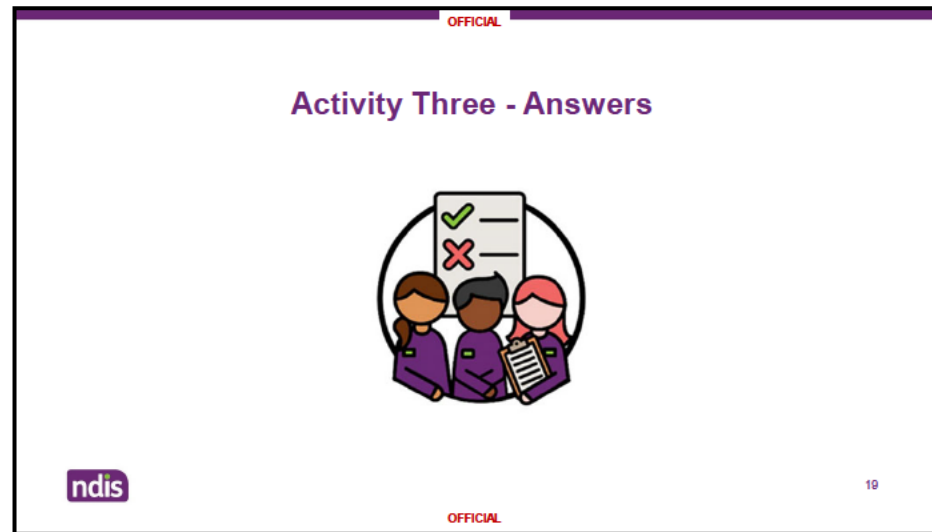
- Self-care and
- Self-management

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- 1. A person's impairment is considered to result in substantially reduced functional capacity if they usually need disability specific supports to undertake activities in the areas of communication, social interaction, learning, mobility, self-care and self-management (if older than 6). What are some examples of disability specific supports?*
- 2. Which factors does the Agency consider when deciding if a participant's impairment substantially reduces their functional capacity?*
- 3. How would an ERA determine if a participant's hearing impairment leads to a substantially reduced functional capacity?*

[Allow 5 minutes for learners to answer the questions. Answers on next slide.]

Click [to go to next slide]



Facilitator notes:

[Bring the group back and go through their responses using the answers and additional debrief points below.]

Say

Section 24(1)(c): the impairment or impairments, result in substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities:

- Communication
- Social interaction
- Learning
- Mobility
- Self-care and

- Self-management

Question 1: A person's impairment is considered to result in substantially reduced functional capacity if they usually need disability specific supports to undertake activities in the areas of communication, social interaction, learning, mobility, self-care and self-management (if older than 6).

What are some examples of **disability specific supports**?

Pause [*for answers*]

- a high level of support from other people, such as physical assistance, guidance, supervision or prompting
- assistive technology, equipment or home modifications that are prescribed by your doctor, allied health professional or other medical professional.

Question 2: Which factors does the Agency consider when deciding if a participant's impairment substantially reduces their functional capacity?

Pause [*for answers*]

A: The Agency considers how the participant might be involved in different areas of life, like home, school, work and the community, and how tasks and actions are carried out in those contexts.

Question 3: How would an ERA determine if a participant's hearing impairment leads to substantially reduced functional capacity?

Pause [*for answers*]

A: Generally, hearing loss would be considered substantial if the loss is at least 65 decibels in the better ear based on a pure tone average of 500Hz, 1000Hz, 2000Hz and 4000Hz.

It is important to note that the guideline requires us to consider substantially reduced functional capacity in relation to impairments that are **permanent**.

This means we need to consider whether any substantial reduction is attributable to an impairment that **meets the permanency criteria**.

Click [to go to next slide]

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Activity Four – Disability requirements

Section 24(1)(d)

The impairment or impairments affect the person's capacity for social or economic participation

Section 24(1)(e)

The person is likely to require NDIS supports under the National Disability Insurance Scheme for the person's lifetime



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Facilitator notes:

Say

Finally, let's refer to the sub-headings: 'Does your impairment affect your social, work or study life?' and 'Will you likely need support under the NDIS for your whole life?'

We will now look at:

Section 24(1)(d): the impairment or impairments affect the person's capacity for social or economic participation and;
Section 24(1)(e): the person is likely to require NDIS support under the National Disability Insurance Scheme for the person's lifetime

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1. *Give an example of how a person's capacity for social and economic participation may be affected?*
2. *True or False? If an impairment varies in intensity (for example, because the impairment is of a chronic episodic nature) the person is unlikely to meet Section 24(1)(e).*

[Allow 5 minutes for learners to answer the questions. Answers on next slide.]

Click [to go to next slide]