



Disability Services Commission

# Western Australian National Disability Insurance Scheme (WA NDIS) Operational Policy

## Funded Supports in the Plan - Reasonable and Necessary

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### 1. Key words

Funded support, reasonable and necessary, plan, social and economic participation, goals, strategies, choice and control, local decision-making, review.

### 2. Policy statement

This policy outlines the criteria for supports that can be funded in a person's WA NDIS plan.

### 3. Principles

People with disability, their families and carers are in the best position to identify their own needs and goals, and to plan for their future.

People with disability have the right to be able to determine their own best interests and make decisions that will affect their lives to the full extent of their capacity. People with disability will be supported to exercise choice and control in the selection, design and implementation of their supports and services.

The goals and strategies outlined in the plan reflect the uniqueness of the person and their circumstances. Planning will incorporate individualised strategies that encourage and prioritise the use of the person's natural supports and community connections.

Investment in the capacity of eligible people with disability aims to minimise lifetime support costs.

WA NDIS will fund supports in a person's plan that are reasonable and necessary, and directly relate to the impact of the person's disability.

WA NDIS supports and funding will not replace mainstream supports and services.

#### **4. Introduction**

In collaboration with a Local Coordinator, the person with disability will develop a plan based on his or her identified goals and the exploration of a range of strategies and options to achieve these goals. This process may include people who are known and trusted by the person, in accordance with the person's preferences and needs.

Some people may require little support in the planning process and their connection with a Local Coordinator may be minimal, while in other instances a person may want the Local Coordinator and other people more closely involved.

As part of the planning process, the Local Coordinator will undertake a support needs assessment to inform the disability-related supports and services required to achieve the person's goals in the plan.

The plan will reflect and acknowledge the importance of informal, natural supports already available to the person (such as family, friends and community connections), and use these wherever appropriate. In-kind supports (i.e. disability services and programs that are provided by other Government agencies, and incorporated in a person's plan) and mainstream supports are also utilised wherever possible.

When there are changes in the person's life and/or the disability sector, access to reasonable and necessary supports will continue to be provided. These supports will facilitate achievement of similar outcomes to the supports in place prior to the change.

In exceptional circumstances, approval may be given to fund supports and services to ensure continuity of services. Where continuity of support is outside the criteria outlined below, out-of-policy decisions will require approval by the Executive Director, Local Operations.

The plan will be considered for endorsement by the Local Coordinator. Where funded supports are included, the plan must be approved in accordance with the Delegation Framework for Approval of WA NDIS Plan Funding.

In endorsing each plan, the Local Coordinator will take into consideration the planning principles, WA NDIS policies and the need to ensure value for money. The Local Coordinator will also consider any funding of reasonable and necessary supports in a plan directly with reference to the relevant Support Clusters and Price Framework.

The plan will be reviewed at least once every 12 months to determine whether the plan assisted the person to achieve their plan goals. The review is undertaken with the person



and any other people they wish to include or an otherwise identified person who may have relevant information (see WA NDIS Operation Policy – Review of Plans).

## 5. Definitions

### Reasonable and necessary supports

Reasonable and necessary supports relate to the person's disability and meet each of the following criteria:

- The support will assist the person to pursue the goals and vision set out in the plan.
- The support will assist the person to undertake activities that facilitate their social and economic participation.
- 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 alternative support (see Appendix 1).
- The support will be, or is likely to be, effective and beneficial for the person, having regard to current good practice (see Appendix 1).
- The funding or provision of the support takes account of what it is reasonable to expect families, carers, informal networks and the community to provide (see Appendix 1).
- The support is most appropriately funded or provided through WA NDIS, and is not more appropriately funded or provided through other service systems:
  - as part of a universal service obligation (for example, accessible public transport)
  - in accordance with reasonable adjustments required under a law dealing with discrimination on the basis of disability.

For further explanation, refer to WA NDIS Operational Policy Responsibility for Supports – WA NDIS and Mainstream Government Agencies.

## 6. Implementation

### The funding decision

In deciding the supports to be funded under the plan, consideration will be given to:

- the person and their current circumstances
- the person's support needs assessment
- how the strategies outlined in the plan contribute to the person's identified goals
- the supports that can be funded in the plan
- the supports that cannot be funded in the plan
- plan tested against the Reference Package
- general considerations, for example whether the strategies in the plan are aligned with WA NDIS principles.

## **6.1 Information about the person and their current circumstances**

Through discussion, the Local Coordinator gets to know the person and their current circumstances, in the context of their family, friends and community, their experiences, and their goals. This discussion may also include any person the individual (and/or substitute decision makers) chooses to assist them, including current providers of services where relevant.

The Local Coordinator takes into consideration how funded supports compliment other funded supports in the person's environment (for example WA NDIS plans for siblings, other family members or people who reside with the person).

The development of a new plan will occur in a timely manner to minimise disruption to the person and to the current supports.

## **6.2 The person's support needs assessment**

The Local Coordinator will consider information about the person's circumstances, and use the support needs assessment in determining funded supports. Other information from a range of sources, such as the eligibility assessment and clinical reports, will also be taken into consideration.

## **6.3 How the strategies requiring funding outlined in the plan contribute to the identified goals**

The Local Coordinator will consider how a funded support will help the person to pursue their goals in the plan, and to maximise his or her independence and participation in the community.

## **6.4 Supports that can be funded in the plan**

A support will be funded through WA NDIS if the Local Coordinator and other relevant decision-makers under the Delegation Framework for Approval of WA NDIS Plan Funding are satisfied that all of the reasonable and necessary criteria are met (see Appendix 1).

## **6.5 Supports that cannot be funded in the plan**

A support will not be funded through WA NDIS if:

- it is likely to cause harm to the person or pose a risk to others
- it is not related to the person's disability
- it duplicates other supports provided to the person
- it relates to day-to-day living costs (for example, rent, groceries and utility fees) that are not attributable to a person's disability support needs
- the provision of the support would be contrary to:
  - a law of the Commonwealth
  - a law of the State or Territory in which the support would be provided
- the support consists of income replacement.

## **6.6 Plan tested against the Reference Package**

The Local Coordinator will compare the funded supports against a Reference Package Funding Range Indicator. This tool indicates whether the person's annual plan funding is comparable with the expected funding level for the person, based on key characteristics. Where the recommended funded support is outside the boundaries of the estimated level of support, the reasons are documented and further consideration is required in accordance with the Delegation Framework for Approval of WA NDIS Plan Funding.

## **6.7 General considerations**

In approving each plan, consideration must be given to WA NDIS policies, planning principles and the need to ensure the financial sustainability of the Scheme. The relevant Support Clusters and Price Framework will be applied.

### **Approval process**

All plans are required to be considered for endorsement by the Local Coordinator. Funded supports in the plan must be approved in accordance with the Delegation Framework for Approval of WA NDIS Plan Funding. Depending on the level of funding requested, the plan may be required to then progress to the Area Manager, Regional Manager, Executive Director NDIS Operations or Director General for a final decision.

### **Review of decision**

WA NDIS decisions on reasonable and necessary supports are reviewable decisions. The person will be advised in writing of the decision, that the decision can be reviewed, and of the review and appeals process (see WA NDIS Operational Policy – Reviewing and Appealing WA NDIS Decisions).

## **7. Compliance**

Compliance with this policy is mandatory.

## **8. Communication**

This document will be published on the Disability Services Commission's website and intranet, and relevant employees and other stakeholders advised of its existence.

## **9. Evaluation and review**

This policy will be reviewed in 24 months or whenever required by a significant change to relevant policy, people, process, technology and/or information. Evaluation of the policy will take into account operational learning, feedback from stakeholders and relevant data.

## **10. Related documents**

Disability Services Act 1993

Disability Services Regulations 2004

WA NDIS Planning Framework

Delegation Framework for Approval of WA NDIS Plan Funding

Family Members as Paid Support Workers Policy

WA NDIS Operation Policy:

- Plan Development and Plan Changes
- Individualised Funding Policy
- Support Needs Assessment
- Reviewing and Appealing WA NDIS Decisions

NDIS (Supports for Participants) Rules

NDIS (Plan Management) Rules

WA NDIS Perth Metropolitan: Support Clusters and Price Framework

WA NDIS Lower South West: Support Clusters and Price Framework



## Appendix 1: Explanatory notes

### Value for money

In deciding whether a support represents value for money in the costs of the support are reasonable, relative to both the benefits achieved and the cost of alternative support, the following matters must be considered:

- whether there are comparable supports which would achieve the same outcome at a substantially lower cost
- whether there is evidence that the support will substantially improve the life stage outcomes for, and be of long-term benefit to, the person
- whether funding or provision of the support is likely to reduce the cost of the funding of supports for the person in the long-term (for example, some early intervention supports may be value for money given their potential to avoid or delay reliance on more costly supports)
- for supports that involve the provision of equipment or modifications
  - the comparative cost of purchasing or leasing the equipment or modifications
  - whether there are any expected changes in technology or the person's circumstances in the short-term that would make it inappropriate to fund the equipment or modifications
- whether the cost of the support is comparable to the cost of supports of the same kind that are provided in the area in which the person resides
- whether the support will increase the person's independence and reduce the person's need for other kinds of supports (for example, some home modifications may reduce a person's need for home care).

In determining the price component of the value for money criterion for services purchased using self-managed funds, the cost of equivalent supports in the person's local area and the range of costs for equivalent supports as per the relevant Support Clusters and Price Framework should be considered.

### Effective and beneficial for the person

In deciding whether a support will be, or is likely to be, effective and beneficial for a person, the Local Coordinator will consider the available evidence of the effectiveness of the support for other people in similar circumstances. The evidence may include:

- published and peer-reviewed literature and any consensus of expert opinion
- the lived experience of the person or their carers
- any lessons learnt during the operation of the WA NDIS.

In determining whether a support will be, or is likely to be, effective and beneficial for a person, the Local Coordinator may also obtain expert advice.

## Reasonable family, carer and other support

In deciding whether funding or provision of a support takes into account of what it is reasonable to expect families, carers, informal networks and the community to provide, the following matters must also be considered:

### For all people with disability:

- the desirability of supporting and developing the potential contributions of informal supports and networks within their communities.

### For a child in WA NDIS:

- 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 person's family members or carers
- whether the funding or provision of the support for a family would improve the child's capacity or future capacity, or would reduce any risk to the child's wellbeing.

### For an adult in WA NDIS:

- the extent of any risks to the person's wellbeing arising from the person's reliance on the support of family members, carers, informal networks and the community
- the suitability of family members, carers, informal networks and the community to provide the supports that the person requires, including such factors as:
  - the age and capacity of the person's family and/or carers, including the extent to which family and community supports are available to sustain them in their caring role
  - 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 support
  - 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)
  - the extent to which informal supports contribute to, or reduce, a person's level of independence and other outcomes.