



Disability Services Commission

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

Grace Periods

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1. Key words

Grace period, travel, overseas, absent, holiday, treatment, therapy, change of circumstances

2. Policy statement

This operational policy outlines the circumstances in which a person with disability in WA NDIS may be absent from Australia for six weeks without affecting their plan.

3. Principles

- People with disability have the same rights and responsibilities as all citizens to work towards their life goals and contribute to the community.
- People with disability have the same right as all members of society to participate in, direct and implement the decisions that affect their lives, including for purposes of travel, overseas holidays and change of circumstances.
- A person's plan is future focused and accommodates reasonably foreseeable variations in an individual's circumstances.
- WA NDIS is responsive to changing needs of people with disability, whether as a result of unforeseen variations in a person's circumstances or foreseeable life transition points.
- WA NDIS funding cannot be used to replace or supplement services that are the responsibility of mainstream agencies.

4. Introduction

For most Australians, including people with disability, international travel is considered to be an ordinary part of life. Often, paid supports will need to be continued during these periods of absence from home.

A person who has a plan may be temporarily absent from Australia for six weeks without affecting their plan. This six week grace period is automatically applied and commences from the person's date of departure. People with disability can request an extension of the grace period beyond six weeks.

If a person remains overseas after the end of the grace period (either six weeks or if approved, a longer timeframe), the plan is suspended from the end of the grace period until they return to Australia. The effect of suspending the plan includes placing funding amounts on hold and individuals cannot request a plan review. For the people moving within Australia, see WA NDIS Operational Policy – Portability.

5. Implementation

This Operational Policy will be implemented in WA NDIS areas.

Where an individual requests an extension to their grace period, the Local Coordinator will consider the request and make a decision whether or not to extend the grace period.

Criteria for extending a grace period beyond six weeks

If a person is absent for more than six weeks at one time, consideration needs to be given to whether the person has ceased to meet the ongoing residence requirements (for WA NDIS). However, the grace period will ordinarily be extended if a person is, or is to be, temporarily absent from Australia for any of the following reasons:

- Humanitarian purposes.
- Overseas study – for the period that the individual is absent to complete an exchange program or course of studies outside Australia that is part of a course undertaken at an Australian secondary or tertiary educational institution, or part of a recognised program of international exchanges.
- Temporary employment – for the period of travel overseas required for the purposes of temporary employment of the person or family member.
- Naval, Army and Air Force Reserve forces – for the period of deployment for the person who is a member of the reserve forces and is required to be temporarily absent from Australia to fulfil their duties in this role.
- Medical treatment or therapy – for the period of treatment plus a reasonable recuperation period for a person to receive clinically appropriate medical treatment or therapy that is not available in Australia.
- Prevention from returning to Australia – for the period reasonable to allow the participant to return to Australia where return is beyond their control, including examples such as:
 1. while temporarily absent from Australia, the person or their family member:
 - (i) is involved in a serious accident
 - (ii) becomes seriously ill
 - (iii) is hospitalised

- (iv) is the victim of a serious crime
 - (v) is a party in custody proceedings
 - (vi) is required to remain overseas in connection with criminal proceedings
2. war, industrial action, or social or political unrest in which the person is not willingly participating
 3. natural disaster.

When making a decision whether to extend a person's grace period, the Disability Services Commission (the Commission) will also consider:

- the proposed length of absence from Australia
- any previous decisions that the grace period should be extended
- the nature of supports provided to the person under their plan
- the person's ability to continue to access supports while they are absent from Australia
- the Commission's ability to monitor the provision of supports to, and maintain a relationship with, the participant while they are absent from Australia
- whether the refusal to extend the grace period would cause undue hardship to the participant.

Shared support arrangements

Where a person has shared support arrangements, negotiation will be required on a case-by-case basis between the Commission, the service provider/s and the person regarding the amount of funding which can be made available to the person to purchase alternative supports during their grace period (whether or not an extension to this is requested). This is necessary to ensure the continued viability of service provision to others in the shared support arrangement.

Requirements of individuals

A person must notify the Commission if an event or change of circumstances happens, or is likely to happen, that might affect their plan such as an absence overseas of more than six weeks. The person should be encouraged to notify the Commission as soon as possible.

6. Review of decision to extend grace period

Decisions in WA NDIS in relation to extending grace periods are reviewable decisions. The person will be advised in writing of the decision, that the decision can be reviewed, and of the review and appeal 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 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

NDIS (Plan Management) Rules

NDIS Operational Guideline – Monitoring and Review of a Participant's Plan – Extending Grace Periods

WA NDIS Operational Policies:

- Portability
- Reviewing and Appealing WA NDIS Decisions
- Plan Development and Plan Changes