

Operational Plan between the National Disability Insurance Agency, Western Australia and the Commonwealth for Transition to Full Implementation of the NDIS

TABLE OF CONTENTS

Background	4
1 Terms of the Western Australian Operational Plan	4
1.1 Purpose	
1.2 Working Together	
1.3 Key Elements	
2 Performance and Accountability	8
2.1 Western Australian Operational Plan Governance	
2.2 Progress Monitoring and Reporting	
2.3 Privacy	
2.4 Confidentiality	
2.5 General	
3 OPERATIONAL PLAN (SUMMARY)	12
PART 1 – Bilateral and National Policy Elements	
1 Phasing Arrangements	21
2 Government Workforce Transition	25
3 NDIA Locations and Infrastructure	27
4 Quality and Safeguarding	29
5 Continuity of Support Arrangements	32
6 Market Readiness.....	35
7 Management of Mainstream Interfaces.....	38
8 Information, Linkages and Capacity Building (ILC)	40

9	Specialist Disability Accommodation for Participants	42
10	Implementation of Agreed Bilateral Funding Mechanism	43

PART 2 – Administration and Service Delivery Operating Model Elements

11	Pre-Intake Preparations	45
12	Data Exchange and Systems Planning	48
13	Interoperability of NDIS Legislation with WA and Commonwealth Legislation	49
14	Participant Readiness.....	51
15	Participant/Cohorts with Specific or Complex Requirements.....	53
16	Provider Readiness and Capability	58
17	WA Service Delivery Strategy.....	61
18	Functions to Support System Stewardship	62
19	Transition Working Arrangements for People in:	
	19.1 Rural and Remote (R&R) Locations.....	64
	19.2 Aboriginal and Torres Strait Islander Communities	65
	19.3 Culturally and Linguistically Diverse (CALD) Communities	68
20	Public Communication and Engagement	70
4	ENDORSEMENT	73
5	GLOSSARY	74
6	APPENDICES	
	Appendix A - The Relationship between the Bilateral Agreement and other Key Governance Documents	77
	Appendix B – Governance Arrangements	78
	Appendix C – WA Executive Steering Committee Terms of Reference.....	79
	Appendix D – WA Operational Working Group Terms of Reference	81

Background

On 12 December 2017 the Prime Minister and Premier of Western Australia (WA) announced a new Bilateral Agreement for Transition to the National Disability Insurance Scheme (NDIS) in WA (Bilateral Agreement).

This Operational Plan sets out the key deliverables agreed between the National Disability Insurance (NDIA), the WA Government (WA) and the Commonwealth Government (Commonwealth) to support the transition to the full NDIS in WA. This Operational Plan also serves as the roadmap for transition to full implementation of the NDIS in WA.

The parties to the Operational Plan are the NDIA, the Commonwealth (through the Department of Social Services (DSS)) and WA.

1. Terms of the WA Operational Plan

1.1 Purpose

- 1.1.1 The Operational Plan identifies a program of work and the responsibilities of the parties during the transition to the full NDIS in WA and operationalises the Bilateral Agreement and supporting Schedules agreed between governments. Appendix A shows the relationship between the Bilateral Agreement and supporting documents.
- 1.1.2 The Operational Plan should be read in conjunction with the Transfer Plan, which sets out the key deliverables between WA, Commonwealth and the NDIA to facilitate the transfer of WA NDIS participants into the NDIS in WA.
- 1.1.3 The parties acknowledge that the transition to full Scheme is a shared responsibility of all parties that requires a considered approach, as supported by National, Commonwealth and WA governance arrangements as shown in Appendix B.
- 1.1.4 The Operational Plan identifies the key elements required in WA to transition to the full Scheme, including the respective roles and responsibilities of WA and the Commonwealth and the NDIA in achieving the outcomes in the Plan.
- 1.1.5 From 1 July 2018, the NDIS will be progressively rolled out in WA with transition arrangements being implemented by the CEO of the NDIA.

- 1.1.6 It is the expectation that the Operational Plan development will be iterative as actions are undertaken and content developed. Changes to the Plan shall be by agreement of the signatories as specified in Clause 2.1.12 of the Plan.
- 1.1.7 For the removal of doubt, nothing within the Operational Plan shall override agreements between the Commonwealth and WA as set out in the Bilateral Agreement and supporting schedules.
- 1.1.8 The parties acknowledge actions agreed in the Operational Plan are to be implemented consistent with policies and frameworks agreed by the Council of Australian Governments Disability Reform Council (DRC) and Council of Australian Governments (COAG).
- 1.1.9 The parties acknowledge that actions highlighted in the Operational Plan will continue to be shaped by the development and finalisation of a range of policy settings that will have flow-on impacts to the key elements critical for transition to the NDIS, including but not limited to:
- The national NDIS Quality and Safeguarding Framework;
 - Ongoing work undertaken by the NDIA, the Commonwealth and the states and territories to define governance arrangements and roles and responsibilities for the market stewardship; and
 - The *Principles to Determine Responsibilities of the NDIS and Other Service Systems*, and the *Applied Principles and Tables of Supports (APTOS)*.

1.2 Working Together

- 1.2.1 The Operational Plan has been developed in partnership between the NDIA, the Commonwealth and WA. The parties are committed to closely collaborating on the Operational Plan to ensure it is founded on strong planning processes and a commitment to working together in achieving the best possible outcomes for people with disability, their families and carers in WA.
- 1.2.2 The parties will act in partnership on the co-production and co-delivery of the actions detailed in the Operational Plan, including through working groups established between the NDIA and jurisdictional representatives.

1.3 Key Elements

1.3.1 This Operational Plan and its' Key Elements will serve as a detailed operational roadmap to transition. The parties have identified the following Key Elements as critical for managing the transition to the NDIS. The Key Elements draw on lessons learnt from trial sites and build upon the WA experience and knowledge in funding and managing the State's disability service system. They are as follows:

Part 1 – Includes elements related to Scheme design and national policy that provide a framework for implementation. The implementation of these elements will commence as agreed in the Bilateral Agreements and further national policy development.

Part 2 – Includes elements for transition that the parties can work on together under current policy settings and existing inter-governmental agreements.

Part 1 – Bilateral and National Policy Elements

1. Phasing Arrangements
2. Government Workforce Transition
3. NDIA Locations and Infrastructure
4. Quality and Safeguarding
5. Continuity of Support Arrangements for Ineligible Clients
6. Market Readiness
7. Management of Mainstream Interfaces
8. Information, Linkages and Capacity Building (ILC)
9. Specialist Disability Accommodation for Participants
10. Implementation of Agreed Bilateral Funding Mechanisms

Part 2 – Administration and Service Delivery Operating Model Elements

11. Pre-intake Preparations
12. Data Exchange and Systems Planning
13. Interoperability of NDIS Legislation with WA and Commonwealth Legislation
14. Participant Readiness
15. Participants / Cohorts with Specific or Complex Requirements
16. Provider Readiness and Capability

17. WA Service Delivery Strategy

18. Functions to Support System Stewardship

19. Transition Working Arrangements for People in:

- Rural and Remote Locations
- Aboriginal and Torres Strait Islander Communities
- Participants from CALD backgrounds

20. Public Communication and Engagement

2. Performance and Accountability

2.1 Western Australian Operational Plan Governance

- 2.1.1 The NDIS National Governance forums have oversight of national policy and design for the Scheme. The WA Governance arrangements have oversight of all bilateral issues that may impact specifically on the implementation of the NDIS in WA.
- 2.1.2 The Western Australian Executive Steering Committee (ESC), consisting of officials from WA, the Commonwealth and the NDIA, will oversee the transition to the NDIA administered NDIS across WA in accordance with the Bilateral Agreement. The ESC Terms of Reference (TOR) are attached as Appendix C.
- 2.1.3 People with disability in WA will be supported by the arrangements outlined in the WA Bilateral Agreement and the Operational and Transfer Plans. This will include cross border arrangements where, by mutual agreement, representatives from other NDIA state and territory offices can form part of the Operational Working Group, where required.
- 2.1.4 The ESC will initially meet monthly, and then as agreed by members. Meeting intervals may be extended by agreement of all parties. Issues that require immediate resolution can be addressed out of session.
- 2.1.5 The ESC will oversee progress against the Bilateral Agreement, Operational Plan and Transfer Plan. The ESC will monitor progress against key transition and transfer deliverables critical to implementation of the NDIS in WA and be involved in the management of significant issues or risks to the transition.
- 2.1.6 Where the ESC is unable to reach agreement on an issue, it will be escalated to the relevant senior officials in the membership agencies. Where there are matters relating to the terms of the Bilateral Agreement, the dispute resolution and escalation clauses of the Bilateral Agreement will apply.
- 2.1.7 Where decisions have broader national policy implications, issues will be referred to DRC.
- 2.1.8 To support the ESC to implement the NDIS in WA, a WA Operational Working Group (OWG) will be established. The TOR for the OWG are attached as Appendix D.
- 2.1.9 The OWG will oversee the delivery of operational activities to support the

- successful transition to the NDIS across WA. The OWG will report to the ESC. Representatives from the OWG will attend ESC meetings as observers.
- 2.1.10 The Operational Plan will include the Working Arrangements developed between the NDIA, WA and the Commonwealth to achieve the outcomes described under the Operational Plan to support the transition to the NDIS in WA. Working Arrangements will be developed by relevant business leads, and be signed-off by Senior Officials, and endorsed by ESC.
- 2.1.11 Additional Working Groups with representation from WA, the Commonwealth and the NDIA may be established to implement the agreed activities under each element of the Operational Plan. The working arrangements to deliver on the Operational Plan must support the sustainable and effective implementation of the NDIS, including cost effectiveness, productivity and insurance principles.
- 2.1.12 Any of the parties to the Operational Plan may request a review of the Plan at any time. All signatories to the Plan must agree to any changes to the Plan, excluding amendments to appendices.

2.2 Progress Monitoring and Reporting

- 2.2.1 The parties will align the implementation of the Plan with sound and responsive project management practices that will closely monitor progress in achieving the deliverables under the Plan.
- 2.2.2 The ESC and OWG will monitor and report on the delivery of agreed outcomes under each of the elements identified in the Plan on a regular basis.
- 2.2.3 The ESC will maintain a Risk Register and an Issues Register to record key risks and issues respectively, as well as their timely treatment and resolution during the transition period.
- 2.2.4 Monitoring and reporting arrangements agreed between the parties are below.
- 2.2.4.1 Reporting to ESC on progress of deliverables and issues related to the Operational Plan monthly or as required by agreement.
- 2.2.4.2 Reporting on Performance Measures set out in the Operational Plan to the OWG will be as required.

2.2.4.3 Monitoring and reporting arrangements as agreed to in ESC and OWG Terms of Reference.

2.2.4.4 Officials reporting within the agreed National Governance.

2.2.4.5 The parties acknowledge that failure to deliver on the elements outlined in the Operational Plan places the implementation of the full NDIS at risk, with consequences for people with disability, their families and carers, and the financial sustainability and public support of the NDIS.

2.3 Privacy

2.3.1 Each party agrees that it will ensure its officers, employees, contractors and agents comply with all applicable privacy laws at all times, including the Privacy Act 1988 (Cth) and relevant confidentiality provisions contained within the Freedom of Information Act 1992 (WA). Parties will do so to the extent that those laws apply to the party or the party's officers, employees, contractors or agents or the personal information held by, or available to, that party.

2.3.2 The information about participants that the NDIA may disclose to other parties under this agreement, including WA, is 'protected information' for the purposes of the National Disability Insurance Scheme Act 2013 or any relevant privacy direction in place within WA. A person may only collect, use, or disclose such information in accordance with that Act or any relevant privacy directions in place in WA.

2.3.3 The NDIA will treat any actuarial analysis conducted using client data or funding information provided to it by WA and the Commonwealth as 'protected information' and undertakes not to share this information with any other party, other than with the written agreement of Governments. This arrangement will be formalised by an Exchange of Letters.

2.4 Confidentiality

2.4.1 All information exchanged in relation to the implementation of this agreement between the NDIA, WA and the Commonwealth is confidential. A party ("Recipient") must not disclose to third parties, or use for any purpose other than

the purpose for which it was provided, any confidential information obtained from the other party (“Discloser”) unless that disclosure or use is:

- Specifically authorised in writing by the Discloser
- Required by law or expressly permitted by law; or
- To legal advisors genuinely for the purpose of obtaining legal advice.

2.5 General

Each party enters this agreement within the context of its respective jurisdiction. Neither party may, except as expressly provided in this Agreement, act on behalf of, represent itself as an agent for, or otherwise bind, the other party.

3. Operational Plan (Summary)

Part 1 – Bilateral and National Policy Elements

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
1.0 Phasing Arrangements	<ul style="list-style-type: none"> • Becoming a Participant Rule amended • Facilitating a Participants Plan Rule amended • WA NDIS Prescribed Program Rule developed and registered • WA NDIS assessed as a Defined Program • WA NDIS Transfer Plan and Schedule • Detailed Transition Phasing 2018/19 for Commonwealth and WA state clients • Detailed Transition Phasing 2019/20 for Commonwealth clients • Detailed Transition Phasing 2019/20 for WA state clients 	<p>April 2018</p> <p>May 2018</p> <p>May 2018</p> <p>Jan 2019</p>	<ul style="list-style-type: none"> • Bilateral Agreement Schedule G – Level B: <ul style="list-style-type: none"> 2.1 Participant characteristics and their families 2.2 Support Packages • Other performance measures as developed by WA and the Commonwealth from the activity data provided 	<p>Quarterly</p> <p>Monthly</p>
2.0 Government Workforce Transition	<ul style="list-style-type: none"> • First Offer of Employment process developed • Seconded Arrangement for Plan Transfer Coordinators (PTCs) • External and contractor recruitment arrangements in place • PITC workforce solutions in place 	June 2018	<ul style="list-style-type: none"> • The number and proportion of NDIA jobs located in WA available for first offer. • The number and proportion of ongoing NDIA roles across all classifications filled by WA disability staff. 	<p>Monthly</p> <p>Monthly</p>
3.0 NDIA Locations and Infrastructure	<ul style="list-style-type: none"> • NDIA Strategic Property Plan and Implementation Plan 	June 2018 and aligned with phasing	<ul style="list-style-type: none"> • The number, location and status of site establishment will be reported by the NDIA, including: 	Monthly

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
			<ul style="list-style-type: none"> ○ The number and type of sites (being public facing, physical presence) for transition. 	
4.0 Quality and Safeguarding	<ul style="list-style-type: none"> • WA Transitional Quality and Safeguarding Working Arrangements • WA Section of Provider Registration Guide to Suitability (PRGTS) • 'WA How to Register' and Pending State Approval pages on Q&S section of NDIS website 	<p>July 2018</p> <p>April 2018</p> <p>July 2018</p>	<ul style="list-style-type: none"> • Bilateral Agreement Schedule G – Level B: <ul style="list-style-type: none"> ○ 1.1 Outcomes for participants and their families • Bilateral Agreement Schedule G – Level A: <ul style="list-style-type: none"> ○ 1.3 People with disability are able and are supported to exercise choice • Additional performance measures related to: <ul style="list-style-type: none"> ○ Registered providers achieving independent verification against the National Quality and Safeguards Framework (at full scheme) ○ Formal complaints made to the NDIA ○ Serious or reportable incidents reported to the NDIA or other agencies, including but not limited to the Ombudsman WA <p>Other performance measures as developed by WA and the</p>	<p>Quarterly</p> <p>Annually</p> <p>As required</p> <p>Monthly</p>

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
			Commonwealth from the activity data provided monthly.	
5.0 Continuity of Support Arrangements	<ul style="list-style-type: none"> Continuity of Support Working Arrangements for existing clients under 65 years, or Aboriginal and Torres Strait Islander people under 50 years Continuity of Support Working Arrangements for all existing clients aged 65 and over, and Aboriginal and Torres Strait Islander clients aged 50 and over 	August 2018	<p>The Level B and other performance measures outlined below to be reported for existing clients under 65 years, or Aboriginal and Torres Strait Islander people under 50 years</p> <ul style="list-style-type: none"> Bilateral Agreement Schedule G – Level B: 3.2 Local Area Coordination 3.3 Information, Linkages and Capacity Building Other performance measures as developed by WA and the Commonwealth from the activity data provided, including: The number of existing clients aged 65 and over, and Aboriginal and Torres Strait Islander clients aged 50 and over administratively transferred to the Commonwealth 	<p>Quarterly</p> <p>Monthly</p>
6.0 Market Readiness	<ul style="list-style-type: none"> Transitional Working Arrangements to implement the Market Approach Establish an agreed approach for Assistive Technology and Home Modifications AT&HM. 	October 2018	<ul style="list-style-type: none"> Performance measures as developed by the NDIA, WA and the Commonwealth from the activity data provided (noting that these should align with the redevelopment of the KPIs on market effectiveness, to be agreed by DRC). 	<p>Quarterly</p> <p>Quarterly</p>
7.0 Management of Mainstream Interfaces	<ul style="list-style-type: none"> Mainstream Interface Working Arrangements 	July 2018	<ul style="list-style-type: none"> The number of instances where unintended consequences require 	Monthly

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
			<ul style="list-style-type: none"> ○ 3.2.1 Activities undertaken by the NDIA to Increase community awareness of the issues that affect people with disability. ○ 3.1.1 Referrals to mainstream services (participants and non-participants) through ILC ● Other performance measures as developed by WA and the Commonwealth from the activity data provided 	
9.0 Specialist Disability Accommodation for Participants	<ul style="list-style-type: none"> ● Development of an approach to Specialist Disability Accommodation for participants, as part of the Market Readiness Working Arrangements 	Sept 2018	<ul style="list-style-type: none"> ● Performance Measures will be developed when the Working Arrangements for the implementation of the framework for funding participants and providers for specialist disability accommodation are finalised. 	N/A
10.0 Implementation of Agreed Bilateral Funding Mechanisms	<ul style="list-style-type: none"> ● Transition Financial Management Working Arrangements ● In-kind Working Arrangement ● Transition invoicing arrangements 	July 2018	<ul style="list-style-type: none"> ● Bilateral Agreement Schedule G – Level B: <ul style="list-style-type: none"> ○ 2.2 Support packages ○ 2.3 Projections ● Bilateral Agreement Schedule G - Level A: <ul style="list-style-type: none"> ○ 2.1 Effective estimation and management of short-term and long-term costs ● Other performance measures as developed by WA and the 	<p>Quarterly</p> <p>Annually</p> <p>Monthly</p>

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
			Commonwealth from the activity data provided	

Part 2 - Administration and Service Delivery Operating Model Elements

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
11.0 Pre-intake Preparations	<ul style="list-style-type: none"> Pre-intake Preparation Working Arrangements 	July 2018	Performance measures for Element 11 are common to Element 1: Phasing Arrangements and Element 14: Participant Readiness.	N/A
12.0 Data Exchange and Systems Planning	<ul style="list-style-type: none"> Information and Data Management Working Arrangement NDIS State/Territory data collection Data Standard NDIS In-kind Programs - Data Standard Reporting to WA and Commonwealth Governments 	May 2018	<ul style="list-style-type: none"> WA data is provided to the NDIA in advance of commencement of transfer and transition as agreed. Bilateral Agreement Schedule G – NDIS Performance Reporting Framework 	<p>Data standards provided at least six months prior to phasing</p> <p>Reports provided as per Performance Reporting Framework</p>
13.0 Inter-operability of NDIS Legislation, WA and Commonwealth Legislation	<ul style="list-style-type: none"> Inter-operability Working Arrangements 	July 2018	Remediation strategies including regulatory or administrative changes developed by WA and the Commonwealth to support full Scheme are in place by 1 July 2018	N/A

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
14.0 Participant Readiness	<ul style="list-style-type: none"> Participant Readiness Working Arrangements Provision of PITC functions. 	<p>October 2018</p> <p>Aligned with the phasing strategy</p>	<ul style="list-style-type: none"> Quantitative and qualitative monthly reports on activity related to participant readiness and capacity building to support engagement in the planning process. The number of people receiving pre-planning and planning from PITC (6 months in advance of transition), reported by cohort, compared to total modelled cohorts in defined programs 	<p>Monthly</p> <p>Monthly</p>
15.0 Participants / Cohorts with Specific or Complex Requirements	<ul style="list-style-type: none"> Participants/ Cohorts with Specific or Complex Requirements Working Arrangements 	<p>July 2018</p>	<ul style="list-style-type: none"> (WA) number of existing WA clients captured in the data extract with identified specific or complex needs (NDIA) number and percentage of WA clients with specific or complex needs referred to intensive planning streams (WA) pre and post transition supports (support types, hours, funding value) clients 	<p>One off</p> <p>Quarterly</p> <p>Quarterly</p>

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
			with specific or complex needs	
16.0 Provider Readiness and Capability	<ul style="list-style-type: none"> An agreed market approach to enable provider readiness and capability, and leverage existing investment in sector development activities and infrastructure, as part of the Market Readiness Working Arrangements 	October 2018	The performance measures for Element 16: Provider Readiness are common with the performance measures for Element 6: Market Readiness.	N/A
17.0 WA Service Delivery Strategy	<ul style="list-style-type: none"> An approach to manage transition issues arising from the role of WA in direct provision of disability and related supports. 	September 2018	N/A	N/A
18.0 Functions to Support System Stewardship	<ul style="list-style-type: none"> System Stewardship Management Working Arrangements 	July 2018	<ul style="list-style-type: none"> WA to report on administrative and stewardship functions transferred within the identified timeframes 	N/A
19.0 Transition Working Arrangements for People in: <ul style="list-style-type: none"> Rural and Remote (R&R) Locations Aboriginal and Torres Strait Islander (ATSI) Communities 	<ul style="list-style-type: none"> NDIA Rural and Remote Strategy Working Arrangements for R&R Locations NDIA Aboriginal and Torres Strait Islander Engagement Strategy 	June 2018	<ul style="list-style-type: none"> Bilateral Agreement Schedule G – Level B: <ul style="list-style-type: none"> 2.1 Participant characteristics and their families 2.2 Support Packages 	Quarterly Monthly

ELEMENT	DELIVERABLE	DUE DATE	PERFORMANCE MEASURES	REPORTING FREQUENCY
<ul style="list-style-type: none"> Culturally and Linguistically Diverse (CALD) Communities 	<ul style="list-style-type: none"> Working Arrangements for Aboriginal and Torres Strait Islander Communities NDIA CALD Strategy Working Arrangements for CALD Communities 		<ul style="list-style-type: none"> With comparison of Aboriginal and Torres Strait Islander, CALD and Rural and Remote participant experience against the same measures for all participants Other performance measures as developed by WA and the Commonwealth from the activity data provided monthly. 	
20.0 Public Communication and Engagement	<ul style="list-style-type: none"> The Communication and Engagement Strategy Local Communication Plans for WA service regions 	May 2018 July 2018 and aligned with phasing	<ul style="list-style-type: none"> Actions outlined in the Communications and Engagement Strategy are delivered with consistent messaging, according to the agreed schedule and channel 	Periodic

Part 1 – Bilateral and National Policy Elements

1. Phasing Arrangements

The WA Bilateral Agreement and Schedules for full Scheme transition detail high level phasing arrangements for WA. Phasing and related funding arrangements are set out in Schedule A (Participant Transition Arrangements in WA) and Schedule B (Financial Contributions for Transition) of the Bilateral Agreement. The NDIS Rules made under the NDIS Act 2013 will provide the detailed phasing for transition to full Scheme.

(a) Transfer:

The Bilateral Agreement and Schedules A and I detail high level phasing arrangements for the transfer of WA NDIS to the NDIA. Phasing and related funding arrangements are set out in Schedule I - Transfer of WA administered sites to the NDIA.

Deliverable:

A Transfer Plan and Transfer Schedule for all existing WA NDIS participants showing by service region and volume will be developed.

A Prescribed Program Rule to be registered to ensure all WA NDIS participants are able to transfer to the NDIS.

The Becoming a Participant and Facilitating a Participant's Plan Rules are amended and registered

Agreed Actions:

The Transfer Plan will provide detail of the methodology to operationalise Schedule I:

- 1.1 Establish a timetable for the transfer of WA NDIS areas to the NDIA.
- 1.2 Outline key messages developed by the NDIA and Department of Communities (Communities) for public communications and engagement.
- 1.3 Agree WA NDIS participant data transfer arrangements.

- 1.4 Ensure the transfer process minimises disruption to the supports and services provided to WA NDIS participants, including through the continuation of existing strategies and funded supports until a person's plan is reviewed.
- 1.5 Identify and agree responsibilities for transfer actions.

The arrangements will need to include communications strategies to ensure differentiation between NDIA PITC functions and WA NDIS Local Coordination. The role of Local Coordinators in transfer areas will be negotiated between Communities and the NDIA where appropriate. The NDIA and WA will agree to the mechanism to give effect to this in advance of the scheduled transfer of a WA NDIS area.

Performance Measures:

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
 - 2.1.1 Access requests made by outcome
 - 2.1.2 Eligible participants against bilateral targets, including key characteristics
 - 2.1.3 Participants with approved plans against bilateral targets
 - 2.1.4 Trends in plan approvals
 - 2.1.5 Access request to plan approval within different timeframes
 - 2.1.6 Ineligible participant numbers and key characteristics
 - 2.2.4 Details of participants with second plans, including length and value of supports

Timeframe:

The Rules will be developed by the Commonwealth and WA by April 2018. The detailed phasing schedule for 2018/19 and 2019/20 will be developed and agreed by WA and the Commonwealth, in consultation with the NDIA, by May 2018, and implemented in sequence throughout transition.

Outcome:

Timely agreement on the detailed Phasing Schedule and Rules will allow the NDIA adequate time to stand up sites and engage in pre-planning for participants. This will result in meeting planned start dates for phasing cohorts.

- 1.1 WA and the Commonwealth will develop a detailed Phasing Strategy in consultation with the NDIA to give practical effect to Schedule A of the Bilateral Agreement. The detailed Phasing Schedule will:
 - 1.1.1 Identify and define roles and responsibilities for phasing actions, specifically those of the WA service regions, existing trial sites, and the NDIA's network structure.
 - 1.1.2 Identify the roles and responsibilities of the Commonwealth and the NDIA to facilitate entry into the Scheme for existing Commonwealth clients who are receiving specialist disability services in defined programs. This includes people under the age of 65 receiving permanent support from a Residential Aged Care facility or support from a Commonwealth Home Care Package, or related supports for young persons in residential aged care.
 - 1.1.3 Commit to responsibilities to achieve the streamlined eligibility and pre-planning arrangements (Element 11) to facilitate entry into the Scheme for cohorts in line with Schedule A to the Bilateral Agreement.
- 1.2 WA will develop a Phasing Strategy to support people from existing WA disability services to transfer to the NDIS. The Phasing Strategy will:
 - 1.2.1 Be developed to manage the transfer in quarterly tranches throughout the period;
 - 1.2.2 Provide the NDIA and WA with the flexibility required to match intake of participants within the funding envelope. This is in order to manage the proportion of people with high-cost and low-cost packages entering the Scheme within a given period; and

- 1.2.3 Be amended as required, with endorsement of changes sought, as per delegations and parameters detailed in Section 2 of this plan and clause 56 of the Bilateral Agreement.
- 1.3 New and other participants can make a request to access the Scheme with the timing and numbers of new entries to the Scheme as per Schedule A of the Bilateral Agreement.
- 1.4 WA and the Commonwealth will vary and cease funding agreements with disability service providers in line with the detailed phasing schedule.
 - 1.4.1 The mechanism for WA funding adjustments will be determined by the parties and communicated to service providers by April 2018.
 - 1.4.2 The mechanism for Commonwealth funding adjustments will be determined by the Commonwealth and communicated to service providers by the end of 2018.
- 1.5 Funding arrangements related to participant phasing, including funding contributions and related invoicing will be undertaken as identified in Schedule B (Financial Contributions for Transition in WA) of the Bilateral Agreement.
- 1.6 Continuity of Support funding arrangements for WA contributions for Older People in Specialist Disability Services will be enacted as identified in Schedule D, Clause 23.

(b) Transition:

The Bilateral Agreement and Schedule A detail high level phasing arrangements for transition to full scheme. Phasing and related funding arrangements are set out in Schedule B (Financial Contributions for Transition in WA).

Deliverables:

Phasing Rules giving practical effect to Schedules A of the Bilateral Agreement and enabling timely and efficient phasing of eligible participants to the NDIS. This Rule will be developed and agreed by April 2018.

A detailed sub-area phasing approach that is jointly developed by WA and NDIA, consulting with Commonwealth program areas when necessary.

Timeframes:

The Rules will be developed by the Commonwealth and WA by April 2018. The detailed phasing schedule for 2018/19 and 2019/20 will be developed and agreed by WA and the Commonwealth, in consultation with the NDIA, by May 2018, and implemented in sequence throughout transition.

Performance Measures:

As per Transfer.

Outcome:

As per Transfer.

2. Government Workforce Transition

To give effect to clause 32 of the Bilateral Agreement between the Commonwealth and WA, the parties will develop and agree on a NDIA Workforce Plan (Schedule J) in addition to working arrangements for state-wide implementation at transition. The implementation of this plan will ensure that the transition period and prospective NDIS operations in WA are adequately staffed, leveraging the skill and experience of existing WA Government disability staff.

To facilitate the development of the NDIS workforce, the first offer of employment for the NDIA will be to appropriately skilled existing WA Government disability staff. For the purposes of Schedule J, 'disability staff' refers to all WA Government disability staff affected by the national rollout of the NDIS, regardless of whether roles are directly involved in the delivery of services to clients.

To safeguard the existing employment conditions of WA Government disability staff, and to facilitate a timely transition, it is agreed that Part 6-3A of the Fair Work Act 2009 will be the mechanism under which disability staff will be permanently employed

by the NDIA. In the instance of NDIA requiring WA Government disability staff outside this scope, other recruitment mechanisms will be used.

This work is separate to broader and ongoing work on market, sector and workforce development.

Deliverables:

Working arrangements to support the first offer of employment to the NDIA will be agreed between parties to give effect to the Bilateral Agreement Schedule J.

The NDIA and WA will implement an agreed NDIA Workforce Plan that will identify affected WA Government disability staff to be employed by NDIA.

Timeframes:

The First Offer of Employment Working Arrangements will be finalised by June 2018.

Workforce transition of WA Government staff will be implemented on a staged geographical basis to align with the agreed bilateral phasing schedule from June 2018.

Performance Measures:

- The number and proportion of NDIA jobs located in WA available for first offer, and
- The number and proportion of ongoing NDIA roles across all classifications filled by WA Government disability staff.

Outcome:

An appropriately skilled workforce which will positively impact the NDIA's capacity to support participants to access the NDIS. Knowledge of local WA disability networks, mainstream interfaces, communities, and sector is transmitted into the new system.

- 2.1 Schedule J of the Bilateral Agreement will detail the arrangements for the engagement of WA Government workforce to the NDIA and give effect to clause 32 of the Bilateral Agreement.
- 2.2 The parties will develop the First Offer of Employment Working Arrangements.
- 2.3 The NDIA will develop an NDIA Workforce Plan to cover the transfer and transition period in WA. The Workforce Plan will detail the NDIA's staff requirements including roles, cohorts, skills and capabilities, classifications and locations.
- 2.4 The NDIA will explore the use of a merit list which will be used as the vehicle to support the First Offer process for eligible WA Government employees for the initial and subsequent recruitment campaigns (in consultation with WA Government).
- 2.5 In consultation with the NDIA, WA will implement a communication strategy to inform relevant staff of the transfer and transition process, and parties will adjust communication and engagement plans accordingly.
- 2.6 The ESC will monitor these arrangements and report to the parties on performance, issues and emerging risks.

3. NDIA Locations and Infrastructure:

The NDIA will have a physical presence across WA during transition and at full Scheme, including a network of offices and staff within local communities.

Deliverables:

The NDIA will develop and execute a property and infrastructure acquisition strategy that aligns with agreed phasing arrangements and takes into consideration property procurement processes and the existing Commonwealth and State infrastructure.

Timeframes:

The NDIA Strategic Property Plan will be shared with specific locations by June 2018.

The NDIA will establish a physical presence in locations prior to the agreed phasing schedule. NDIA sites and infrastructure will progressively roll out throughout transition and be staffed commensurate with the participant cohorts identified in the detailed Phasing Schedule.

Performance Measures:

The number, location and status of site establishment will be reported on a monthly basis by the NDIA, including:

- The number and type of sites (being public facing, physical presence, fit for purpose) funded for transition are established.

Outcome:

The NDIA will have an appropriate physical presence that supports participant access into the Scheme.

- 3.1 The NDIA will outline its approach to establishing a physical presence and develop and implement a NDIA Location and Infrastructure Strategy.
 - 3.1.1 The NDIA will share with WA the proposed Region/Network structure and property footprint and seek formal feedback.
 - 3.1.2 The NDIA Region/Network structure and property footprint will consider a whole of WA approach that acknowledges the work of the WA Departments of Communities and Health to ensure there is reduced administrative burden in the engagement between WA and the NDIA.
 - 3.1.3 During the transition to full Scheme, the NDIA Region/Network structure will be cognisant of all WA Government and mainstream interfaces.
- 3.2 Where required, the NDIA may consult with Governments on strategic property planning and implementation to support the intake of participants

during the transition period, including exploring co-location opportunities, use of existing office accommodation and use of existing government infrastructure and resources.

- 3.3 The NDIA will identify issues associated with intake during transition and consult with Governments to ensure the necessary physical assets to manage the intake of clients during transition.

4. Quality and Safeguarding

The NDIS Quality and Safeguarding Framework was released in December 2016. To give effect to Schedule F (Transitional Arrangements for Quality and Safeguarding in WA) of the Bilateral Agreement, transitional quality and safeguards working arrangements will be developed, in line with the national framework, for state-wide implementation during transition. WA will complete readiness activities in anticipation of moving to the new NDIS Quality and Safeguards Commission.

Deliverables:

The WA Transitional Quality Assurance and Safeguards Working Arrangements will ensure the operation of a consistent quality assurance and safeguarding approach during transition in WA, in line with the national Framework.

The NDIA will work with WA and the Commonwealth to develop the Transitional Quality and Safeguarding Working Arrangements for application state-wide.

Key Quality and Safeguards Deliverables:

- WA Transitional Quality and Safeguards Working Arrangements
- WA Section of Provider Registration Guide to Suitability (PRGTS)
- 'WA How to Register' and 'Pending State Approval' pages on Q&S section of NDIS website

Timeframes:

The Transitional Quality Assurance and Safeguards Working Arrangements will be drafted for agreement by July 2018. These Working Arrangements will remain in place until they are superseded by the National Quality and Safeguards Framework to be implemented at full scheme implementation.

Performance Measures:

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
 - 1.1.1 Proportion of participants, and their families and carers who report improved economic and social outcomes (as measured by the NDIA outcomes framework)
 - 1.1.2 Proportion of participants who attain the goals outlined in their plans (as measured by the NDIA's Goal Attainment Scale)
 - 1.1.3 Participant satisfaction
- Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):
 - 1.3.1 Proportion of participants, and their families and carers, who report being able to exercise choice (as measured by the NDIA outcomes framework)

Additional performance measures will be developed when the Transitional Working Arrangements are finalised. This may include performance measures related to:

- Registered providers achieving independent verification against the National Disability Service Standards.
- Formal complaints made to the NDIA and WA.
- Serious or reportable incidents reported to the NDIA or other agencies, including but not limited to the WA Ombudsman.

Outcome:

The Transitional Quality and Safeguards Working Arrangements are in place during transition to full scheme.

The parties will review the existing Quality Assurance measures in place for the Perth Hills NDIS trial site and its extension. This review will inform the development of the Transitional Quality and Safeguards Working Arrangements.

The key responsibilities that need to be considered for inclusion in the Transitional Working Arrangements for agreement between all parties are:

Role of the WA Ombudsman

Child Protection

Privacy

Complaints Management

Restrictive Practices Authorisation

Serious Incident Reporting

Responding to participant emergency/crisis situations

Client Death

Responding to declared Emergency situation

Existing Providers' compliance with WA State legislative, policy and quality assurance requirements

New Providers' compliance with WA State legislative, policy and quality assurance requirements

Transitioning arrangements for Commonwealth Providers

Commonwealth Continuity of Service program

Joint strategy for responding to any of the above issues that put participants and the WA transition to full Scheme at risk

- 4.1 The Transitional Quality and Safeguards Working Arrangements will be developed based on a review of practice from the two trial sites in WA, and

the learnings from other states, specifically in the arrangements made for the parties to:

- 4.1.1 Continue to work on arrangements to review new providers' compliance with legislative, policy and quality assurance requirements, within the context of each party's legislative provisions, with those arrangements being agreed prior to transition;
- 4.2 WA and the Commonwealth will review the interoperability of their own legislation that relates to quality and safeguarding as part of Element 13 by July 2018. WA, NDIA and the Commonwealth will develop and agree to transitional Working Arrangements to mitigate any legislative or administrative inconsistencies, with remediation strategies implemented prior to transition.
- 4.3 The ESC will ratify the Transitional Quality and Safeguards Working Arrangements in line with the Bilateral Agreement Schedule F. As part of the implementation process, protocols will be developed such as mapping the agreed local escalation contact points and processes.
- 4.4 The parties will develop accessible information for participants, their families and carers on NDIS supports and safeguards during transition.

5. Continuity of Support Arrangements:

Continuity of support will apply for people resident in an area of WA, or part of a cohort that is transitioning to the NDIS if:

- they receive support but do not meet the NDIS access requirements set out in the NDIS Act 2013, or are receiving supports that do not meet the definition of reasonable and necessary support in the NDIS Act 2013; and
- the funding for this support is attributed to a program/service which will cease when the NDIS is introduced in WA.

The intent of the Continuity of Support Working Arrangements will ensure the supports received once the NDIS is introduced will enable similar outcomes to the outcomes they were aiming to achieve prior to the introduction of the NDIS.

Deliverables:

The parties will develop the Continuity of Support Working Arrangements for:

- Existing clients of disability programs who are under 65 years, or Aboriginal and Torres Strait Islander people who are under 50 years, and who do not meet the access requirements for the Scheme, and;
- Existing clients aged 65 and over, and Aboriginal and Torres Strait Islander clients aged 50 and over.

Timeframes:

The parties will agree to Continuity of Support Working Arrangements for these clients by August 2018.

Performance Measures:

The Level B and other performance measures outlined below are to be reported for ineligible people receiving government disability services who are under the age of 65 or Aboriginal and Torres Strait Islander people under the age of 50 years.

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
 - 3.2.1 Number of participants and other people with a disability supported by PITCs by participant characteristics.
 - 3.2.2 Descriptions of activities undertaken by PITCs including dollars spent by regions and activities.
- Other performance measures as developed by WA and the Commonwealth from the activity data provided monthly, including:
- The number of people receiving WA and Commonwealth specialist disability services aged 65 and over, and Aboriginal and Torres Strait Islander people aged 50 and over, for whom administrative responsibility is transferred to the Commonwealth Continuity of Support Program consistent with the staged geographical sequence and estimated quarterly intake specified in Schedule D to the Bilateral Agreement.

Outcome:

Appropriate support mechanisms are established, ensuring people are not disadvantaged during the transition to full scheme, avoiding the risk of potentially escalating costs to the Scheme and unintended impacts to mainstream supports.

- 5.1 The parties will identify cohorts or individuals in WA for whom the WA Government has administrative responsibility but who will not meet the access requirements for NDIS, and identify the number of people and programs where this may apply.
- 5.2 The parties will develop a joint communication strategy to identify and communicate with participants who will not meet access requirements.

The NDIA will develop the messaging and approach for communicating NDIS decisions to people who do not meet the NDIS access requirements, with input from WA based upon the WA NDIS trial site, including the reasons why people do not meet NDIS access requirements.

The NDIA, WA and the Commonwealth will work together at the local level to resolve any issues arising from ineligibility.

- 5.3 Continuity of supports for participants to gain and maintain employment are critical enablers in the success of the Scheme. WA will work with the NDIA to identify reasonable and necessary School Leaver Employment Supports for eligible participants that will support them to achieve their goals of employment or further education.
- 5.4 The Commonwealth will, in consultation with WA, determine the administrative arrangements for people aged 65 and over, (or who are Aboriginal and Torres Strait Islander and aged 50 and over and are ineligible) and who are in receipt of disability services (Bilateral Schedule D, Clause 9) in order to:
 - 5.4.1 Identify the number of people who are in this cohort;
 - 5.4.2 Transfer the administrative responsibility to the Commonwealth Continuity of Support Program in line with the phasing schedule (Bilateral Arrangement, Schedule D, Clause 11-12); and
 - 5.4.3 Provide access to existing programs (Bilateral Arrangement, Schedule D, Clause 13).

- 5.5 The funding arrangement for continuity of support will give effect to the Bilateral Agreement Schedules B and D. WA funding contributions for continuity of support will align with the phasing arrangements for people over 65 years of age and Aboriginal and Torres Strait Islander people aged 50 and over.
- 5.6 Outcomes for people who meet the access requirements, but were receiving supports above that which is considered reasonable and necessary or were receiving a program that has ceased, will be managed in a transparent and fair way.

6. Market Readiness

The NDIA released its *Market Approach (Statement of Opportunity and Intent)* in November 2016, which details the role of the NDIA in monitoring, analysing and intervening in the NDIS marketplace. The application of the Market Approach at the market level, has been documented in the internal NDIA Market Enablement Framework, and operationalised through tripartite working arrangements with Commonwealth, state, and territory governments. The parties will develop working arrangements for transition in Western Australia in line with this approach, and identify and utilise their existing levers to influence market responsiveness to meet demand for disability supports during transition.

Governments will share existing knowledge of the local market for disability supports with the NDIA, including gap analyses or market development activities in PITC activities, to put into effect Clause 29 of the Bilateral Agreement and Schedule E (Sector and System Readiness in WA) of the Bilateral Agreement.

Deliverables:

The parties will develop Transitional Working Arrangements to implement the Market Approach; sharing information about market gaps, promoting market access and maximising choice and control for participants in WA; and to enable the NDIA to undertake market development activities. These arrangements will detail roles and responsibilities associated with their implementation.

In relation to Assistive Technology and Home Modifications (AT&HM), the Parties will establish an agreed approach and support for AT&HM transition to the NDIS.

Timeframes:

The Market Readiness working arrangements will be agreed by October 2018.

An agreed approach and support for AT&HM transition to the NDIS will be developed by October 2018.

Performance Measures:

- Performance measures as developed by the NDIA, WA and the Commonwealth from the activity data provided monthly.
- Key performance indicators on market effectiveness, as agreed by DRC.

Outcome:

Participants will have choice and control in regard to their plan implementation that will enhance their social and economic participation within their local communities.

6.1 The NDIA, in consultation with WA, will undertake an assessment of market risks and capacity, and investigate the underlying strength or risks for key services, sub-markets and underlying causes of any issues.

6.1.1 The completed in-depth analysis will deliver an understanding of localised market capability and gaps.

6.2 WA and the Commonwealth will share with the NDIA any existing information about supply and demand gaps, information of local markets and existing disability support supply, including identifying potential market failure and significant market viability risks and the existing mitigation arrangements.

6.3 Implementing the agreed NDIS Market, Sector and Workforce Strategy and Working Arrangements to put in effect Schedule E of the Bilateral Agreement will include:

6.3.1 Arrangements for the monitoring of market readiness to ensure timely mitigation of transition risks. This includes monitoring the sector response to trial period pricing, and management of price settings to support scheme transition whilst promoting individualised support models and ensuring Scheme sustainability;

6.3.2 Analysis of short-term supply and demand gaps at the local level and utilisation of appropriate responses;

- 6.3.3 Strategies including joint messaging to promote the move for the sector to a competitive market-based system; and
 - 6.3.4 Local market development activities to support participants who live in rural and remote communities, and provide culturally appropriate support for Aboriginal and Torres Strait Islander participants and those from CALD communities.
- 6.4 The NDIA will lead on identifying and developing approaches to ameliorate the effects of thin markets.
- 6.5 The NDIA's Assistive Technology Strategy strives to stimulate the market's capacity so as to ensure that NDIS participants have choice in, and access to, individualised assistive technology solutions. The strategy is designed to meet three strategic priorities, each with its own initiatives and work plans to:
- 6.5.1 Support and stimulate a vibrant, innovative supply-side market;
 - 6.5.2 Support and stimulate informed, active, participant-led demand; and
 - 6.5.3 Deliver a financially robust, sustainable Scheme that generates economic and social value
- 6.6 To implement its Assistive Technology strategy, the NDIA will work with stakeholders to deliver specific initiatives. The NDIA will establish a series of sourcing strategies for Assistive Technology in WA, intervening in the market where that optimises both value for participants and for the NDIS.
- 6.7 WA will support the NDIA to manage the transition from current Assistive Technology programs to the NDIS.
- 6.7.1 WA will continue its support of the NDIA with expertise and input to the implementation of the NDIA's Assistive Technology Strategy, particularly regarding sourcing strategies.
 - 6.7.2 During transition, WA will facilitate continued access to Assistive Technology products and services sourced by WA programs, where both parties agree this provides value for the participant and the NDIS.
- 6.8 The Commonwealth establish the Industry Advisory Groups, consistent with the NDIS Market Approach, to inform further market strategies.

7. Management of Mainstream Interfaces:

The parties will support participants' access to mainstream services where required as outlined in the Applied Principles and Tables of Support (APTOS) agreed by COAG. Governments will work with the NDIA to ensure the interface between the NDIS and mainstream services efficient and effective at the local level, and in line with COAG policy decisions. This approach will give effect to Schedule H (Arrangements for the interface between the NDIS and mainstream services in transition) of the Bilateral Agreement.

Deliverable:

The NDIA's Mainstream Interface Working Arrangements will be implemented in WA to ensure national consistency in relation to the intersections between the NDIS and mainstream agencies, in line with decisions taken by the Disability Reform Council on mainstream interfaces. Participant pathways will reflect how people interact locally with the NDIS and other services in WA.

The parties will develop and work to a schedule of issues to ensure the interface between mainstream and NDIS supports at a state level are established, maintained and communicated to maximise social and economic participation.

Timeframes:

The Mainstream Interface Working Arrangements will be completed by July 2018 and implemented throughout transition.

Performance Measures:

Any issues and unintended consequences arising from the operationalisation of the APTOS will be escalated to ESC or OWG or other bilateral governance structures for resolution (Bilateral Agreement, Schedule H, Clause 8).

- Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):
 - 3.1.1 Referrals to mainstream services (participants and non-participants through Information, Linkages and Capacity Building (ILC)).
 - 3.1.2 Proportion of participants accessing mainstream services.

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

3.1.1 Number of participants accessing mainstream services by service type.

- Other performance measures as developed by WA and the Commonwealth from the activity data provided monthly.

Outcome:

Participants' service needs are met to reasonable and necessary standards. Scheme sustainability is ensured because NDIS funds are used to provide supports that the NDIS is legislated and funded to provide. Participants receive supports from the most appropriate service system.

7.1 WA and the NDIA will implement the Working Arrangements to support and resolve mainstream interface issues, including:

7.1.1 Establishing governance arrangements through ESC, reporting to the OWG, with local escalation points for each region with the Local Health Districts, Justice, Education, Transport, Child Protection, Housing, Aged Care and Employment services within the network;

7.1.2 Identifying and implementing mechanisms to link people with disability to community supports and mainstream services support, mainstream services and the NDIS and;

7.1.3 Ensuring streamlined referrals can occur to coordinate participants' NDIS planned supports with mainstream services.

7.2 The NDIA will implement arrangements for the interface between the NDIS and mainstream agencies, as set out in the Bilateral Agreement (Schedule H) by:

7.2.1 Formalising a review process regarding mainstream interfaces to assess the operational practice and unintended consequences during the transition to full Scheme;

7.2.2 Providing clear communication to participants, providers and the broader mainstream entities about the Mainstream Interface Principles and the responsibilities entailed; and

7.2.3 Establishing and maintaining supports consistent with the APTOS.

- 7.3 WA will ensure that Mainstream services access generic information on the NDIS to promote general NDIS awareness among staff and clients, including an understanding of the roles and responsibilities of the Mainstream services and the NDIS; information on Scheme access requirements; and the function of ILC and PITC activities.
- 7.4 The NDIA, in consultation with WA, will develop specific information for Mainstream agencies regarding client pathways, intake processes, requirements and timeframes to support access to the scheme for new participants.
- 7.4.1 To support participants transitioning to the NDIS, WA will liaise with mainstream services that hold information that may assist participants' access to the Scheme and planning through information and data transfer.

8. Information, Linkages and Capacity Building (ILC):

The parties agree to work together to ensure ILC-type activities are available during the transition in line with phasing. This will ensure a robust system of ILC activities that supports transition and complements support to participants as well as providing support to non-participants and the community. ILC activities are intended to complement WA activities, and not replace them.

Deliverable:

A robust set of ILC activities that assists transition and complements supports to participants as well as providing support to non-participants and the community.

The NDIA will develop, in consultation with WA and the Commonwealth, an ILC Transition Plan by July 2018. The ILC Transition Plan will be agreed by all parties and will include:

- Agreeing the date on which the NDIA will commence funding ILC activities in WA (the proposed ILC commissioning date of 1 July 2019);
- Identifying supports and/or contracts that during transition to the ILC commissioning date will either continue to be maintained by WA and the Commonwealth or cease, and respective timeframes

- Identifying any funding that will be provided to WA and the Commonwealth by the NDIA to support ILC activity during the transition to the ILC commissioning date.
- Performance indicators for the delivery of activities and supports delivered by WA and NDIA.
- A process for managing and working with relevant organisations to enable them to remain sustainable during transition and understand future requirements; and
- Agreeing a communications plan to provide regular and consistent information to people with disability, their families and carers, and organisations who work with them, about the implementation of ILC in WA.

Timeframes:

The ILC Transition Plan will be agreed by July 2018 and implemented throughout transition.

Performance Measures:

- To be agreed through the ILC Transition Plan

Outcome:

A holistic approach to the delivery of ILC activities that promotes collaboration and partnership with local communities and mainstream and universal services to create greater inclusivity and accessibility of people with disability. This approach will ensure the availability of supports and the sustainability of the Scheme.

8.1 WA and the Commonwealth will work with the NDIA to map current ILC type activities. Detailed mapping of current Commonwealth and WA funded ILC type activities in WA to include:

- Identification of providers
- Program expenditure
- Support types
- Activities and any other relevant information (where available)

The Parties note that some data may be difficult to obtain given the nature of ILC-type activities delivered.

8.2 In consultation with WA and the Commonwealth, the NDIA will develop an ILC Transition Plan

8.3 NDIA to develop Communication Strategy for ILC transition, including messages for all parties by July 2018.

9. Specialist Disability Accommodation for Participants

The NDIA and WA will work together to determine a process which will give effect to the arrangements set out in Schedule K to the Bilateral Agreement in relation to Specialist Disability Accommodation (SDA).

The DRC released the SDA Pricing and Payments Framework in June 2016 to develop benchmark prices for SDA in consultation with both the jurisdictions and sector. It is expected that parties will work together to implement the Framework in WA throughout transition and implementation to full scheme.

Deliverables:

An approach to SDA for participants will be developed and agreed as a part of Market Readiness Working Arrangements (Element 6) which will include:

- managing changes to management and ownership of the state's disability accommodation portfolio during transition to full Scheme; and
- implementation of the SDA Pricing and Payments Framework in WA.

Timeframe:

Consistent with Element 6, the parties will develop an agreed approach to SDA for participants as a part of Market Readiness Working Arrangements by September 2018. These will be implemented throughout transition.

Performance Measures:

Performance measures as developed by the NDIA, WA and the Commonwealth as part of the Market Readiness working arrangements (Element 6).

Outcome:

At full Scheme implementation, the NDIA will provide funding for participants determined as eligible for SDA.

- 9.1 WA will inform the NDIA of existing asset management and ownership changes.
- 9.2 WA will provide timely and high quality advice to the NDIA regarding any changes to ownership of state owned and managed disability accommodation, new operating models, the impact of those changes, and the working arrangements in place to mitigate impacts to participants.
- 9.3 The NDIA will work with WA to ensure that any adjustments related to accommodation supports do not affect the WA Service Delivery Strategy (Element 17).
- 9.4 The approach to SDA for participants should consider national policy agreements.
- 9.5 The NDIA will work with WA to identify suitable housing accommodation options for participants who with NDIS funded supports may seek other housing options, such as social housing, in accordance with the APTOS.

10. Implementation of Agreed Bilateral Funding Mechanisms:

Governments and the NDIA will jointly consider the practical considerations of the Bilateral Agreement regarding the funding of Government programs and the management of in kind supports (Bilateral Agreement, Schedules B, C and D).

Deliverable:

Transition Financial Management Working Arrangements will define clear responsibilities for efficient administration of funding mechanisms, the maintenance of Government supports, services and programs, and bulk purchase arrangements, and performance reporting during transition. The management of in-kind will be outlined in a separate Working Arrangement.

Timeframes:

The parties will agree on Working Arrangements by July 2018. As per Bilateral Agreement, Schedule B Clause 9, the parties will agree to invoicing arrangements by

30 June 2018, and the implementation of those arrangements will align with the detailed phasing schedule (Element 1).

Performance Measures:

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

2.2.1 Committed support

2.2.2 Actual payments

2.2.3 Average and median package costs by sub-groups of the population and for all participants compared with the expected averages and medians, including trends

2.2.4 Details of participants with second plans, including length and value of supports

2.2.5 Distribution of package costs

2.3.1 Cost of the NDIS in dollar terms and as a percentage of GDP (split by participants aged under 65 and over 65). This measure will include NDIA operating costs

- Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):

2.1.1 Comparison of actual expenditure against projected expenditure

2.1.2 Changes in medium and long-term expenditure projections

2.1.3 Projected expenditure matches projected revenue over the medium-term and long term

2.1.4 NDIA operating expenses ratio

2.1.5 Reduction of long-term cost trends against population, price and wages growth

- 2.1.6 Estimated future lifetime costs of support for current clients (NPV).
Including disaggregation for new and existing clients by client group

Outcome:

Financial sustainability of the NDIS and ability to provide reasonable and necessary supports to people with disability.

- 10.1 Governments will agree the maintenance of programs during transition through consideration of participant and market needs that necessitate the implementation of approaches such as in kind or bulk purchasing to maintain support.
- 10.2 The NDIA and WA will establish processes for managing in kind support.
- 10.3 WA will establish processes for managing all other WA-provided services for participants during transition, including administrative arrangements for pricing, streamlined invoicing, reconciliation, monitoring and reporting.
- 10.4 WA and the Commonwealth will establish an efficient process for exiting from in kind funding arrangements and effectively communicate information about the transition to participants and providers.

Part 2 – Administration and Service Delivery Operating Model

11. Pre-intake Preparations:

The parties will agree on preparations (not covered elsewhere in this plan) to be completed prior to transition commencing, that will streamline the eligibility and intake of participants into the NDIS commencing from 1 July 2018.

Deliverable:

Pre-intake Preparation details to streamline the intake of potential participants into the NDIS, responding to the needs of potential participants and act in accordance with Schedule A to the Bilateral Agreement.

Timeframes:

The parties will develop Pre-Intake Preparation Working Arrangements by July 2018. Implementation of these Working Arrangements will align with the commencement of participant pre-planning.

Performance Measures:

Performance measures for Element 11.0 Pre-intake Preparations are common to Element 1.0 Phasing Arrangements and Element 14 Participant Readiness.

Outcome:

Phasing targets will be achieved through participants' streamlined eligibility and intake to the NDIS, ensuring they receive reasonable and necessary supports.

11.1 Clause 11 of Schedule A of the Bilateral Agreement, allows different intake and referral pathways for different cohorts to facilitate streamlined access to the NDIS. To give effect to this, the NDIA will establish requirements to manage:

11.1.1 Existing WA specialist disability clients (as defined in Clause 10 of Schedule A of the Bilateral Agreement).

11.1.2 New and other participants including:

11.1.2.1 People not previously accessing any specialist disability supports from WA;

11.1.2.2 People currently accessing Commonwealth specialist disability or Aged Care supports;

11.1.2.3 People who may have previously received sporadic specialist disability services funded or directly provided by the Department of Communities (formerly Disability Services Commission);

11.1.2.4 People currently accessing supports through other WA Agencies, and people with new incidence of disability (Clause 12, Schedule A, Bilateral Agreement).

11.2 The NDIA has determined that a streamlined intake process will apply for existing WA specialist disability clients who receive services in Defined Programs. WA will provide the detailed program guidelines to the NDIA by March 2018.

- 11.3 The Commonwealth will define people in existing Commonwealth programs for a streamlined intake process that are determined to be in a Defined Program.
- 11.4 The NDIA will design and implement intake pathways that respond to the need for determination of eligibility, pre-planning support and plan development, and plan implementation. With input and guidance from WA, the NDIA will also create referral pathways for those found ineligible for the Scheme and those to be provided with Continuity of Support. In the design and implementation of intake and referral pathways, the NDIA will:
- 11.4.1 Create business process maps for key participant pathway milestones;
 - 11.4.2 Prescribe key activities in the pre-intake process such as first contact and consent to participate to support a smooth and streamlined transition; and
 - 11.4.3 Ensure that the intake pathways support clients with differing levels of support needs and complexity during the preplanning and planning phases. (Element 15 - Participants/Cohorts with Specific or Complex Requirements and Element 19 – Transition Working Arrangements for people in Rural and Remote locations, Aboriginal and Torres Strait Islander Communities and CALD Communities).
- 11.5 WA and the Commonwealth will maximise the value of the information held by Governments to ensure a comprehensive pre-intake process into the NDIS (See Element 12: Data exchange and systems planning details steps for achieving this.) WA will assist its funded NGO providers to deliver participant readiness and data requirements.
- 11.6 Implementation of pre-intake pathways and monitoring of intake and transition will occur in conjunction with Element 1 – Phasing, Element 5 Continuity of Support and Element 14 – Participant Readiness.
- 11.7 Governments will put in PITC arrangements that allow for variation and cessation of funding agreements with disability service providers in line with Schedule A to the Bilateral Agreement. WA and the Commonwealth will inform the NDIA of contracts that cannot be ceased in line with the detailed phasing schedule, and agree with the NDIA a plan for managing these contracts through transition.

12. Data Exchange and Systems Planning

The parties will work together to maximise the use of data on existing specialist disability clients, their current supports, and support providers to manage the seamless transition of those clients to the NDIS (Bilateral Agreement; Clauses 36-38; Schedule E, Clause 4).

Deliverable:

An Information and Data Management Working Arrangement including details of a data standard, data collection, data cleansing, data matching, data storage and data transfer activities with the NDIA, to support streamlined intake to the NDIS and associated timeframes.

Timeframe:

All parties will confirm Information and Data Management Working Arrangements and its legal authorisation by May 2018. The parties will subsequently implement the Data Management Working Arrangements in line with pre-transition arrangements (Element 11) and phasing (Element 1).

Performance Measures:

WA provides data to the NDIA at least six months in advance of commencement of transition, as per the Information and Data Management Working Arrangements.

Data held by WA funded providers will be collated by WA in line with the phasing schedule and Data Exchange Working Arrangements, as required.

Outcome:

The NDIA will implement streamlined participant access to the Scheme, which will avoid delays against the agreed phasing schedule. Participants will gain benefit from the NDIS resulting in increased social and economic participation.

- 12.1 The NDIA will use all available information to streamline the transition of existing clients to the full Scheme to give effect to commitments in the Bilateral Agreement (Clause 19, Schedule A) regarding timeframes for transition and streamlined eligibility and intake. This includes using the information to:

- 12.1.1 Facilitate the intake of clients from WA Defined Programs and Commonwealth Defined Programs, including automated and streamlined processes and targeted outreach, in line with the detailed phasing schedule and;
- 12.1.2 Meet NDIS Access and Planning requirements through the Information and Data Management Working Arrangements to achieve a smooth and timely transition.
- 12.2 The NDIA has developed a Data Standard identifying the core data needed to transition people from the existing state and Commonwealth specialist disability systems into the NDIS, including mandatory and optional data items that assist in achieving a streamlined transition process.
 - 12.2.1 WA and the Commonwealth will provide the agreed data sets to the NDIA prior to transition and will be refreshed on a quarterly basis in line with Schedule A to the Bilateral Agreement.
- 12.3 WA and the Commonwealth will determine an approach for collection, management and completeness of data, and the NDIA will advise the process for transfer of data regarding clients of both WA and Commonwealth Defined Programs. This will include transfer of information regarding existing clients prior to the commencement of their transition to support system readiness, and seeks to establish a mechanism to transfer information efficiently to minimise the burden on providers (Bilateral Agreement, Schedule E, Clause 4).
- 12.4 WA and the Commonwealth will ensure the collection of the required data, and the transfer of this data to the NDIA for the purpose of rolling out the full NDIS, are done in line with the legal framework. The parties will agree to this process using information protocols agreed to by all parties as per Clause 36-38 of the Bilateral Agreement.

13. Interoperability of NDIS Legislation with WA and Commonwealth Legislation:

WA and the Commonwealth will review their own legislation to ensure it supports and does not impede the transition to full implementation of the NDIS. Lessons learnt

from relevant evaluations, reviews and the experience of trial site operations will be incorporated into this work.

Where legislation or regulation is inconsistent with the NDIS Act 2013, WA and the Commonwealth will develop and implement remediation strategies in conjunction with the NDIA to manage these inconsistencies during the transition period.

Key areas include, but are not limited to:

- Quality and Safeguards: Role of the WA Ombudsman, Guardianship and Administration, Mainstream Services, restrictive practices, Mental Health, Child Protection, The Department for Children's Protection.
- Regulatory and administration: Business registration, Work Health and Safety regulations, building codes (group homes).

Deliverable:

WA and the Commonwealth will develop Working Arrangements to mitigate any legislative or administrative inconsistencies, with remediation strategies defined and implemented prior to transition, or as soon as practicable.

Timeframe:

The parties will develop Working Arrangements and remediation strategies by July 2018, or earlier. Implementation to occur prior to commencement of transition, with legislative changes enacted as identified in the Working Arrangements.

Performance Measure:

All relevant legislation is aligned to support transition arrangements.

Outcome:

Reputational risk to WA and the NDIA is managed and potential legal action against WA or the Commonwealth and the NDIA avoided.

13.1 Where the parties identify legislation or regulation that requires amendment or development, the Governments will develop and implement strategies to manage these inconsistencies during the transition period.

WA and the Commonwealth will ensure all relevant legislation and regulations are aligned to the NDIS Act 2013 by the time of full NDIS implementation in WA.

13.2 WA and the Commonwealth will identify administrative functions and responsibilities that need to be transferred to a third party to ensure continuity of functions.

13.3 WA and the Commonwealth will provide advice to the NDIA of the key legislative or regulatory functions that Governments will continue to oversee to ensure the development of a new interface with the NDIA or nominated third party.

For example, specific Quality and Safeguarding measures required to support the NDIS may include the Ombudsman WA, Department of Child Protection and Family Support, the Health and Disability Services Complaints Office (HADSCO) and the National Disability Strategy.

14. Participant Readiness:

WA, the Commonwealth and the NDIA will identify and implement strategies to support and prepare people with disability, their families and carers to transition to the NDIS and maximise their capacity to exercise choice and control (Bilateral Agreement, Schedule E, Clause 5b).

This includes establishing or reshaping existing ILC-type supports to support participant readiness activities, including plan development. In the six months in advance of transition, the NDIA will provide PITC functions to facilitate the smooth transition of participants into the NDIS (Bilateral Agreement; Schedule A; Clause 20).

Deliverables:

Participant Readiness Working Arrangements to support and prepare people with disability, their families and carers to transition to the NDIS, including plan development are in place. These arrangements will meet the timeframes for transition in the Bilateral Agreement.

The NDIA will provide PITC functions six months in advance of the scheduled phasing of a service district (Bilateral Agreement, Schedule A, Clause 20).

Timeframes:

With input from WA, the NDIA will develop Working Arrangements for the effective integration with, and referral pathways for, effective engagement with Partners by October 2018. The NDIA and WA will develop a strategy for the phasing schedule by July 2018.

Performance Measures:

- NDIA to provide reports on activity related to participant readiness and capacity building to support engagement in the planning process.

Outcome:

Participants have access to pre-planning and plan development supports to enable them to access the Scheme in line with the phasing schedules.

- 14.1 The parties will work together to identify strategies and activities that will support and prepare people for transition and maximise their capacity to exercise choice and control, drawing on experience from current capacity building and readiness activities and reflecting the needs of people with disability, their families and carers.
- 14.2 The parties will agree to a Communication and Engagement Strategy that details tailored communication and messaging to prospective participants and their families and carers. The NDIA will provide information to new and other participants in relation to NDIS access and referral mechanisms.
- 14.3 The timing of preparation activities and engagement strategies relative to phasing schedules will facilitate all parties working with prospective participants ahead of transition.
- 14.4 Mechanisms for ensuring preparation activities conducted by the parties are coordinated and connected, including identification of different approaches to engaging with particular cohorts (e.g. psycho-social, housing, justice, complex clients, rural and remote and Aboriginal and Torres Strait Islander groups).
- 14.5 To support participants transitioning to the NDIS, the NDIA will:
 - 14.5.1 Design communications materials and products; and

- 14.5.2 Facilitate or resource tailored information sessions and workshops to prospective participants, their carers and families in a variety of media.
- 14.6 To support participants transitioning to the NDIS in line with agreed phasing, WA will:
 - 14.6.1 Re-shape the existing ILC effort in consideration of the NDIA's increasing resourcing for ILC;
 - 14.6.2 Support individuals in identified cohorts with readiness activities;
 - 14.6.3 Support NGOs to work with their clients with readiness activities;
 - 14.6.4 Advise mainstream agencies that they may be approached by the NDIA for information to assist participants, such as diagnostic or clinical assessments held by Education and Health; and
 - 14.6.5 Deliver communications and messaging about the transition pathway.
- 14.7 The parties will implement the agreed Participant Readiness Working Arrangements and associated activities to assist participant readiness and plan development. These approaches will involve:
 - 14.7.1 Supporting future participants becoming plan ready prior to phasing arrangements outlined in Schedule A to the Bilateral Agreement, during formal transition phasing arrangements and individual planning activities.
 - 14.7.2 Leveraging existing activities, networks, and communication and engagement forums to support implementation where appropriate.
 - 14.7.3 Identifying areas with limited capacity to support participant plan development in the six months prior to rollout in an area.
- 14.8 The NDIA will define the PITC pre-planning and planning role and the functions, the responsibilities of staff who undertake this type of role, and how the function is operationalised, by March 2018.

15. Participants / Cohorts with Specific or Complex Support Requirements:

The parties may need to provide some additional pre-planning support to some prospective participants and cohorts of prospective participants to ensure their

access to the NDIS is seamless, and that their ongoing support requirements are met.

For the purpose of this Operational Plan, individuals with complex support needs are defined as those who meet the NDIS disability access requirements and may require a higher level of support to engage and navigate the NDIS pathway. These may include participants or potential participants who:

- (a) are experiencing (or are at risk of experiencing) multiple and interrelated conditions or factors which contribute to an intensity of support need. This includes multiple diagnosis, clinical complexity, psychosocial disability, dual diagnosis, significant medical conditions or significant deteriorating health conditions, complex behavioural support needs, are hard to reach – in addition to having an intellectual disability; or
- (b) are experiencing (or are at risk of experiencing) one or more situational factors that impacts on the complexity of their supports needs or the ability of their natural supports to meet their needs or to assist decision making, e.g., a lack of natural supports, family or carer stress, a breakdown in carer arrangements, young people who have left or are leaving care, a history of trauma or abuse, involvement in the criminal justice or forensic system, and multi-agency involvement in supporting an individual; or
- (c) have multiple family members with disability or a parent or carer with disability; and challenge the service system's capacity to respond to their support needs due to its structure, organisation or resourcing.

Individuals in this target group include those with a severe or profound disability as well as those who have a mild or moderate disability and who have complex support requirements due, but not limited to, homelessness, incarceration and hospitalisation (mental health) of some individuals.

WA clients defined as having complex support requirements align to the NDIA's classification of participants who require extensive support to engage with the NDIS and would fall into the intensive or super intensive streams or would require a complex support needs pathway, once this tested and rolled out to all States and Territories.

Implementing the Maintaining Critical Supports (MCS) Framework for those with complex needs:

WA and the NDIA are committed to implementing the MCS Framework for those with complex needs, as recommended by the SOWG. This will provide clarity on how participants will be supported to maintain critical specialist disability services, particularly when in crisis or at a point of transition.

Deliverable:

A participant pathway pilot (Complex Support Needs) to be delivered in a metropolitan site in WA to test key features of the pathway that identifies prospective participant cohorts who have specific or complex support requirements and the additional strategies required to ensure participants experience a transition appropriate to their circumstances.

Timeframe:

The parties will develop Working Arrangements for Participants and Cohorts with Specific or Complex Support Requirements by July 2018. These will be arranged for implementation prior to transition.

WA to agree to SOWG Critical Services Incident Response (CSIR) escalation framework by December 2018.

NDIA to ensure Complex Supports Provider Panel is operational by January 2019.

Performance Measures:

- WA will report on the number of existing WA clients captured in the data extract with identified specific or complex needs.
- WA to provide regular reporting of relevant transition supports (support types, hours, and funding value) clients with specific or complex support needs.
- NDIA to establish a panel to grow the sector capability to invest in and optimally support those with complex needs. This will be achieved through ensuring participants with complex needs, who may need input from multiple service systems and who are at risk of losing supports are provided

with professional, evidence based supports that aid to stabilise behaviours and promote independence.

Outcome:

Prospective participants' specific needs are addressed, avoiding delays to phasing, and increasing participant outcomes and social and economic participation.

15.1 NDIA, WA and the Commonwealth will define the criteria to identify people with disability who have complex or multiple support needs and specific requirements, such as being hard to engage or requiring additional strategies for transition to NDIS.

15.1.1 Those cohorts of people with complex needs will include:

15.1.1.1 People whose behaviours place themselves or others at risk.

15.1.1.2 People who receive supports from the WA Courts' Intellectual Disability Diversion Program and other Department of Justice, Department of Corrective Services and Department of Communities (formerly DSC) intervention and rehabilitation programs.

15.1.1.3 People who receive support from the People and Young People with Exceptionally Complex Needs (YPECN) programs

15.1.1.4 Youth residing in Residential Aged Care facilities, which refers to people under the age of 65 who do not have age-related health conditions or disabilities and reside in aged care facilities.

15.1.1.5 People residing in psychiatric hostels.

15.1.1.6 People with high medical needs and multiple diagnoses.

15.1.1.7 Children who are in Voluntary Out-of-Home-Care (VOOHC), Out-of-Home-Care (OOHC) and/or receiving Leaving Care supports.

15.1.2 Other cohorts with specific requirements will include:

- 15.1.2.1 Cohorts who have not engaged with disability services previously, such as those with chronic mental health issues or those with newly acquired disability such as traumatic brain injury.
- 15.1.2.2 Children in Homes and Orphanages.
- 15.1.3 WA and the Commonwealth will assist in identifying people who may require intensive support in transitioning to the NDIS through data exchange (Element 11). The NDIA will determine how streamed intake (pre-planning, planning and plan implementation) will apply to these cohorts.
- 15.1.4 The Working Arrangements will identify how WA and the Commonwealth will provide additional support during the transition process for people with specific or complex needs.
- 15.1.5 The NDIA will monitor trends in relation to emerging cohorts of clients that have complex or specific support requirements and ensure that parties make adjustments to meet those clients' needs.
- 15.2 WA will identify the additional strategies required to ensure participants in each identified cohort experience a smooth transition.
 - 15.2.1 The Working Arrangements will include data requirements and specific details of client, sector and clinical strategies that have proven effective for engaging specific participant cohorts and communities.
- 15.3 To support the needs of participants with complex requirements, the parties will implement the NDIS Quality and Safeguarding Framework. The ESC will monitor and report on the Quality and Safeguarding Framework's implementation. The State's quality and assurance system will apply until June 2020
- 15.4 The NDIA will ensure the Service Delivery Operating Model and the provision of ILC policy framework is sensitive to and can accommodate the needs of participants and cohorts with specific support requirements during the transition.

- 15.5 The NDIA will commence a pilot of a Complex Support Needs Pathway in an agreed metropolitan site in WA with a view to testing key features of a pathway that will provide better access, pre-planning and planning support to participants with complex support needs.
- 15.6 WA will provide 'State of the Sector' information that includes the capacity of providers to support participants and cohorts with specific or complex needs (Element 16).
- 15.7 Local / State based escalation frameworks – including referral to the Panel
- 15.8 Developing the Critical Services Incident Response (CSIR) process approved by SOWG for coordinating the escalation of critical cases and ensuring effective coordination of services with the NDIS.

16. Provider Readiness and Capability

Provider readiness and capability development will ensure providers deliver support or products to NDIS participants through offering quality services, understand and operate within a contestable funding environment, and adapt to NDIS systems and processes. Providers may also play a key role in supporting the transition of their existing clients to the NDIS (Bilateral Agreement, Clause 29; Schedule E, Clause 5a).

Communication and education strategies will help ensure existing and potential providers are supported to participate in the NDIS, minimise risks to support continuity, and assist providers' transition to the NDIS. Local activities will focus on practical issues such as preparedness for the principles and operating model of the scheme, provider registration and NDIA terms of business, NDIA price guide, invoicing arrangements, cash-flow management, and promoting information and advice channels.

Deliverable:

An agreed approach to enable provider readiness and capability will form a part of the Market Readiness Working Arrangements (refer Element 6).

The parties will leverage existing government investment in sector development activities and infrastructure (Bilateral Agreement, Schedule E, Clause 7).

Timeframe:

Consistent with Element 6, the parties will develop an agreed approach to enable provider readiness and capability as a part of Market Readiness Working Arrangements by October 2018.

Performance Measures:

The performance measures for Element 16.0 Provider Readiness are common with the performance measures for Element 6.0 Market Readiness.

Outcome:

Local market sustainability and service availability does not deteriorate in areas where there are historically limited markets and improvements in capacity are achieved to the full extent possible. Participants are able to exercise choice in designing their support package through access to reasonable and necessary supports as providers have business operating models in place that allow them to operate effectively in the NDIS market.

16.1 WA and the Commonwealth will assess provider readiness under current circumstances in WA in light of the NDIA Market Approach. This exercise will include results from both WA trial sites and map level of readiness for providers across the following domains:

- Strategy
- Governance
- Financial Sustainability
- Information and Knowledge
- Clients and Market focus
- People and Capability (Staff)

16.2 WA and the Commonwealth will provide data that may assist the NDIA with 'State of the Sector' information that provides a picture of provider characteristics, numbers and capacities by July 2018 that includes:

- Functions of support

- Existing and potential capacity
- Thin markets that may require additional assistance to support transition
- Corner stone providers
- Working capital, state revenue, proportion of disability revenue of organisation total revenue
- Gaps in provider preparation and readiness i.e. critical knowledge and business preparations

16.3 Requirements for provider access and capability, include the following actions:

16.3.1 A coordinated NDIA and WA provider communication and engagement strategy

16.3.2 The NDIA will:

16.3.2.1 Lead the development of a communication and engagement plan with WA to address gaps in provider readiness analysis through a targeted provider segments approach;

16.3.2.2 Maintain provider information and resources available to support transition to NDIS business model;

16.3.2.3 Support capacity building effort of providers for increases in demand during transition, including mechanisms for signalling potential demand for supports to the market; and

16.3.2.4 Engage with new providers with a view to expanding both their capacity and capability to deliver supports within the Scheme.

16.3.3 WA will:

16.3.3.1 Work with providers to raise awareness and education on funding changes brought about by the introduction of the NDIS, including opportunities for growth and sustainability issues.

16.3.3.2 Provide detail on support that may be required for providers running dual systems during transition;

- 16.3.3.3 Communicate to providers when their clients will transition;
- 16.3.3.4 Communicate and share state resources available to support preparations for NDIS ahead of roll-out; and
- 16.3.3.5 Work with the NDIA to ensure that NDIA initiatives complement WA's investment in sector development to date.
- 16.3.3.6 Share details with the NDIA about WA investment and evaluation of sector development resources.

16.3.4 WA and the Commonwealth will support providers to contribute to data requirements and implement participant readiness activities.

17. WA Service Delivery Strategy

The NDIA and WA will work together to determine the most effective approach for managing the impact of the NDIS transition on the role of WA direct delivery of disability and related supports.

Deliverable:

The NDIA and WA will develop and implement an approach for managing transition issues arising from the role of WA in direct provision of disability and related supports during the transition period that are within the scope of the NDIS.

Timeframe:

The approach for managing transition issues arising from the role in direct provision will be developed by WA and NDIA by September 2018.

Performance Measures:

- WA will determine the scope of service delivery programs that will be directly provided by WA during and subsequent to the transition to the NDIS.
- WA will review the impacts of the NDIS on WA Government service delivery programs, including provider readiness activities and the implementation of a nationally agreed Integrated Market, Sector and Workforce Strategy.

- WA will plan and implement an approach to managing transition issues jointly with NDIA including risk management strategies and contingency plans.

Outcome:

- 17.1 Transitioning to the NDIS in WA has no impact on the provision of reasonable and necessary supports to NDIS participants.
- 17.2 WA will identify the specialist disability supports it currently provides that may be transferred.
- 17.3 WA will determine how to manage the impacts of the NDIS on WA service delivery programs to ensure continuity of key functions and alignment with phasing arrangements. WA will:
 - Manage NDIS impacts in alignment with the timing of readiness activities such as market development, in-kind arrangements, Quality and Safeguards and other elements of transition;
 - Provide information on the conditions and undertakings made in the transfer of services that may have market impact;
 - Identify the risk management and due diligence activities required by WA and the NDIA; and
 - Facilitate an orderly transfer of knowledge and WA-based systems, including the knowledge transfer identified in Element 18.

18. Functions to Support System Stewardship:

WA will work with the Commonwealth and the NDIA to support the orderly transmission of relevant State-based knowledge and systems to the NDIS, where this complements and adds to the intent of the NDIS. Arrangements to ensure continuity of key functions currently provided by WA that are necessary to full scheme are outlined in the Operational Plan and Schedule H (Workforce) of the Bilateral Agreement. This work will be informed by the advice and learnings of the ESC and OWG.

Deliverables

System Stewardship Management Working Arrangements to support the identification and transfer of key Department of Communities administrative

functions, relevant state-based knowledge and expertise to the NDIA or otherwise identified most appropriate body.

Timeframe:

The Working Arrangements for System Stewardship will be developed by the NDIA in partnership with WA and the Commonwealth by July 2018.

Performance Measure:

WA will report on the administrative and stewardship functions transferred within the identified timeframes.

Outcome:

Functions, knowledge and expertise will be transferred from the State system to identified parties to ensure continuity of function.

- 18.1 WA will identify its key administrative, business and system functions at both local and state levels that need to be managed through transition using the System Stewardship Management Strategy. This will ensure an orderly transfer of relevant state-based knowledge and expertise to the NDIA and other appropriate bodies.
 - 18.1.1 The System Stewardship Strategy will clarify roles and responsibilities of the parties in addressing issues during transition, including the transfer of relevant knowledge and information as agreed.
 - 18.1.2 WA will define their position and work with the NDIA to identify administrative functions during transition. This will include information such as the administration of Community Justice and Leaving Care Programs, and administrative functions such as accommodation management and any participant crisis situations.
- 18.2 The NDIA will have comprehensive business continuity plans which will mitigate and respond to risks to the provision of NDIS supports and the business of the NDIA due to emergency situations (e.g. flood or fire), and critical areas of the National Support System.
- 18.3 The plan will include continuity and recovery planning to help the NDIA prepare for and manage any emergency. This includes the NDIA partnering with WA Department of Communities in its role as Disaster Welfare Coordinator in emergencies.

19. Transition Working Arrangements for People in:

19.1 Rural and Remote Locations,

19.2 Aboriginal and Torres Strait Islander Communities, and

19.3 Culturally and Linguistically Diverse (CALD) Communities

The transfer of knowledge, expertise and practice capability and identification of the additional data required specific to participant, provider and market readiness activities is required to support the smooth transition to the NDIS for people with disability in the above cohorts, their families and carers.

19.1 Transition Working Arrangements for People in Rural and Remote Locations:

Those delivering services to Rural and Remote locations face the challenges of geographic spread, low population density, limited infrastructure, and difficulty in attracting and maintaining professional personnel.

Deliverable:

WA and the Commonwealth will share local knowledge and current practices for the NDIA to incorporate into Working Arrangements to implement the NDIA Rural and Remote Strategy during transition and at full implementation of the NDIS in WA.

Timeframe:

The NDIA will develop Rural and Remote Working Arrangements for WA by June 2018 and will implement these Working Arrangements in line with the phasing schedule (Element 1).

Performance Measures:

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
 - 2.1 Participant characteristics and their families;
 - 2.2 Support Packages;
- With comparison of experience in rural and remote locations with metropolitan areas.

Outcome:

Access to the NDIS for people in Rural and Remote locations will allow them to achieve their capacity to participate in the Scheme and realise social and economic benefits.

19.1.1 To address the particular challenges for people in Rural and Remote locations; WA, the Commonwealth and the NDIA will work together to:

- Review WA and the Commonwealth' policy initiatives and strategies, the NDIA Rural and Remote Strategy, and NDIA Regional and Rural projects to share an understanding of local issues and current successful initiatives and mechanisms.
- Develop Working Arrangements for WA that implement the NDIA Rural and Remote Strategy. The NDIA Rural and Remote Strategy provides a framework to address the following goals:
- Easy access and contact with the NDIA, including hearing about the NDIS at local community events and via local media and the NDIA working closely with locally-based health services to help people understand the NDIS and how to access the scheme
- Effective, appropriate supports are available wherever people live
- Creative approaches for individuals within their communities
- Harnessing collaborative partnerships to achieve results, and;
- Support and strengthen local capacity of Rural and Remote communities including focussing ILC efforts in rural and remote areas to contribute to building local community capacity and informal networks.

19.2 Transition Working Arrangements for People in Aboriginal and Torres Strait Islander Communities:

The NDIA Aboriginal and Torres Strait Islander Engagement Plan outlines how the NDIA will provide appropriate supports, and choice and control for Aboriginal

Australians. The parties will work together to develop Working Arrangements to implement the NDIA Aboriginal and Torres Strait Islander Engagement Plan and support the delivery of the NDIS to Aboriginal participants, their families and carers, and communities. These working arrangements will intersect and interact with the arrangements developed for rural and remote communities in WA (Element 18).

Deliverables:

WA and the Commonwealth will transfer local knowledge, expertise and practice to support Aboriginal and Torres Strait Islander people to transition to the NDIS. The parties will incorporate this knowledge into the Working Arrangements to give effect to the NDIA Aboriginal and Torres Strait Islander Engagement Plan.

Timeframe:

The NDIA will develop Working Arrangements for Aboriginal and Torres Strait Islander Participants in WA by June 2018. The NDIA will implement these Working Arrangements in line with the phasing schedule (Element 1).

Performance Measures:

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
 - 2.1 Participant characteristics and their families;
 - 2.2 Support Packages;
- Comparison of Aboriginal and Torres Strait Islander experience against the same measures for all participants.
- Other performance measures as developed by WA and the Commonwealth from the activity data provided monthly.

Outcome:

The NDIS is sensitive to and supports the needs of Aboriginal participants, their families, carers and communities in WA.

19.2.1 The NDIA Aboriginal and Torres Strait Islander Engagement Plan will contain a set of principles and statement of the NDIA's commitment to

work with Aboriginal and Torres Strait Islander communities in delivering the NDIS across Australia.

19.2.2 WA and the Commonwealth will share with the NDIA information in relation to the key contact points in local communities, engagement strategies, current practices and use of communication materials. This will include the actions taken by WA as part of the WA Aboriginal Health and Wellbeing Framework 2015-2030.

19.2.3 The NDIA will enhance the participant pathway with a focus on:

- Proper engagement with Traditional Owners, Elders and communities;
- Simplified access and planning processes; and
- Engagement of community connectors.

19.2.4 The Working Arrangements for WA will include Communication and Engagement Strategies such as:

- The use of culturally appropriate material including the use of specific words, pictures, symbols and colours co-designed by and relevant to communities;
- Face-to-face gatherings as the preferred method of providing information to local communities, which includes key members of Aboriginal communities, such as Aboriginal staff from local organisations; and
- The use of culturally appropriate, multiple-channel engagement options that include the use of internet, telephone and print resources to promote awareness and understanding of the NDIS in Aboriginal communities.

19.2.5 Participant Readiness activities will include the following:

- The use of culturally appropriate NDIS materials and resources to support engagement of participants in conversations about the NDIS and their planning conversation;

- WA and the Commonwealth and NDIA will work together to transfer learning and expertise to ensure that NDIS is sensitive to, and can accommodate the needs of Aboriginal participants;
- The NDIA will test enhanced features of an NDIS participant pathway tailored to the needs of Aboriginal and Torres Strait Islander peoples in an agreed remote site in Western Australia.

19.2.6 WA and NDIA will provide targeted community and individual capacity building readiness activities to Aboriginal clients prior to their transition Provider Readiness activities will include the following:

- WA and NDIA will work with Aboriginal peak bodies to take a joint leadership role in capacity building across the Aboriginal NGO sector prior to and during transition;
- The NDIA will encourage providers to embed an understanding of Aboriginal people with disability, their families, carers and communities into their organisation, for example through the development of an Aboriginal Statement of Commitment; and
- The NDIA will resource providers that have Aboriginal clients to ensure a culturally safe transition plan that includes culturally relevant information and planning supports and resources to ensure successful outcomes for current Aboriginal clients.

19.3 **Transition Working Arrangements for people in Culturally and Linguistically Diverse (CALD) Communities:**

WA, the Commonwealth and the NDIA will work together to support people with disability, their carers, families and communities to have a smooth transition to the Scheme in line with the phasing schedule.

Deliverables:

The NDIA CALD strategy will inform agreed Working Arrangements for WA.

Timeframes:

The NDIA will develop Working Arrangements to accommodate the needs of Western Australians from CALD backgrounds by June 2018. These Working Arrangements will be implemented in line with the detailed phasing schedule (Element 1).

Performance Measures:

- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
 - 2.1 Participant characteristics and their families;
 - 2.2 Support PackagesWith comparison of CALD experience against the same measures for all participants.
- Other performance measures as developed by WA and the Commonwealth from the activity data provided monthly.

Outcome:

The NDIS is sensitive and supports the needs of participants from a CALD background in WA.

19.3.1 To address the requirements of participants who are from a CALD background, WA and the NDIA will work together to:

- Review WA, Commonwealth and NDIA learnings from the two NDIS trial sites in WA to share an understanding of local issues and what works well.
- Ensure printed and electronic information about NDIS is disseminated in accessible, relevant and appropriate formats for culturally and linguistically diverse communities. This will be embedded as part of the communication and engagement strategy and supported by language services.
- Support and extend current capacity building within culturally and linguistically diverse communities during transition so that CALD communities are better able to identify, support and advocate for

themselves, individuals, and families at risk of 'falling through cracks' in the service system.

- Share information in relation to the key contact points in local communities, method of engagement and use of communication materials. WA will leverage knowledge of existing WA CALD networks and community expertise to provide advice to NDIA on engagement strategies, local community leaders and targeted activities that will support readiness.
- Comply with the NDIA Cultural and Linguistically Diverse Strategy 2018- 2019.

19.3.2 WA and the NDIA will work together to transfer learning and expertise to ensure the NDIS is sensitive to, and can accommodate the needs of participants from CALD backgrounds who may require specific strategies to assist their transition to the NDIS.

19.3.3 WA will provide targeted readiness activities to participants with a CALD background prior to their transition.

20. Public Communication and Engagement:

The parties will work together to develop a joint Communication and Engagement Strategy and a range of associated plans to communicate the NDIS to a range of stakeholders including the general public, existing Department of Communities, WA NDIS Trial and NDIS Trial clients, potential participants and other specific audience groups. The joint strategy will reflect the agreed national communications strategy and protocols for transition to full scheme.

Deliverable:

A WA Communication and Engagement Strategy and local communication plans and other communication plans for special projects or specific audiences as required.

Timeframes:

The parties will develop a joint Communication and Engagement Strategy by May 2018

The parties will complete communication plans for service regions by July 2018 for areas phasing in 2018/19 and January 2019 for service regions transitioning in 2019/20.

Performance Measure:

Actions outlined in the Communications and Engagement Strategy are delivered with consistent messaging, according to the agreed schedule and channel.

Outcome:

People with disability, their families, carers and providers have the information they need to successfully transition to the NDIS.


The public are aware of the NDIS and its benefits, and they are supportive of the scheme.

- 20.1 The parties will develop a Communications and Engagement Strategy that will outline roles and responsibilities, target audiences, communication tactics, communication timing and key messages. Specifically, the Strategy will outline how they will:
 - 20.1.1 Provide people with disability, their families and carers with information about the transition, including timing and how they will be contacted and supported through the transition process.
 - 20.1.2 Provide potential participants and people who are not eligible for NDIS with information about continuity of support arrangements or other potential supports available mainstream and community supports.
 - 20.1.3 Actively engage providers prior to transition to assist them to prepare for the NDIS and to share the story and philosophy of the NDIS with their clients.
 - 20.1.4 Inform and engage the public about the scheme and maintain support for its implementation.
 - 20.1.5 Inform and engage the Department of Communities staff about the transition phasing, and how it will affect them.

- 20.2 The Communications and Engagement Strategy will identify the parties' separate roles and responsibilities through the phases of transition. The Strategy will do this by establishing principles and protocols for, among other things, media and crisis management, branding, events and digital content.
- 20.3 The NDIA and WA will develop local communication plans to ensure that tactics, messages and timing take into consideration local conditions. WA and NDIA will align these local communication plans to the broader Communication and Engagement Strategy to ensure consistency. These plans will be updated at regular intervals throughout each transition year to respond to changing circumstances and ensure information is meeting the needs of all stakeholders.
- 20.4 Specific communication and engagement strategies will be developed jointly for specific cohorts that include:
- 20.4.1 Better use of telephony and IT technology for people who live in rural and remote locations.
 - 20.4.2 A specific communication and engagement strategy to support access for Aboriginal and Torres Strait Islander people.
 - 20.4.3 Use of translated material and language services to facilitate access for people from CALD backgrounds, including emerging communities.
 - 20.4.4 The development of materials that will support cohorts with specific communication requirements such as people with an intellectual disability, people with autism, and people with a sensory impairment.
- 20.5 Where the deliverables identified in each element in the Plan require a communication and engagement strategy, the parties will develop an agreed joint messaging strategy.

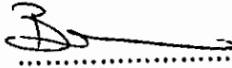
SIGNED for and on behalf of the **National Disability Insurance Agency** by:

Mr Robert De Luca
Chief Executive Officer

 2/07/2018
.....
Sign and date here

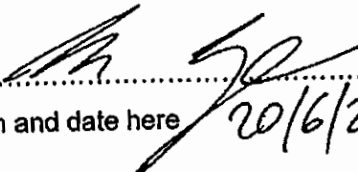
In the presence of:

BETH ABRAHAM
.....
Name of Witness

 02/07/2018
.....
Sign and date here


SIGNED for and on behalf of the **Department of Social Services** by:

Mr Michael Lye
Deputy Secretary
Department of Social Services

 20/6/2018
.....
Sign and date here


In the presence of:

PATRICIA BEATH
.....
Name of Witness

 20/6/18
.....
Sign and date here

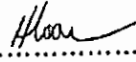
SIGNED for and on behalf of the **Department of Communities** by:

Mr Grahame Searle
Director General
Department of Communities

 28/6/2018
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Sign and date here

In the presence of:

HILARY WORKMAN
.....
Name of Witness

 28/6/2018
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Sign and date here

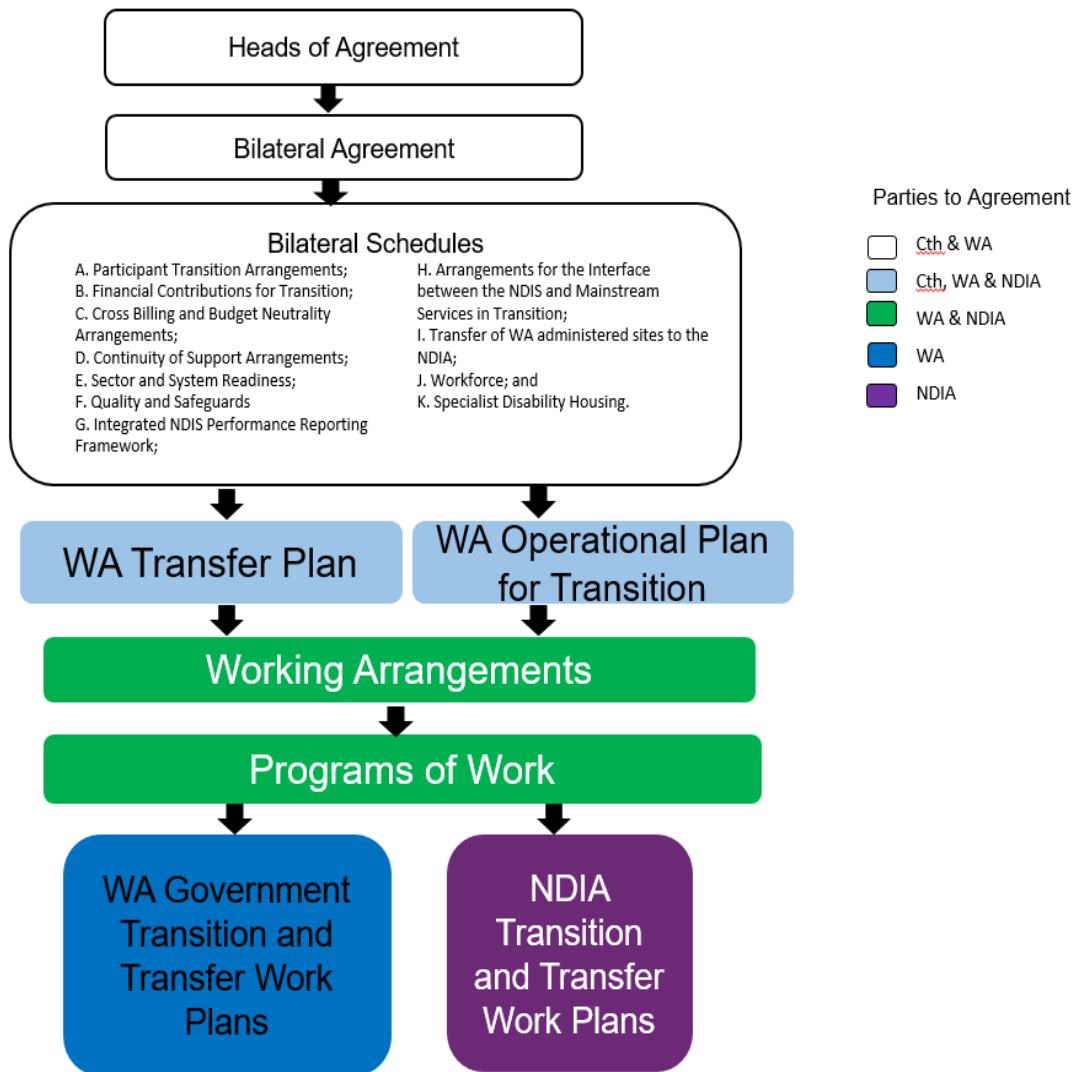
GLOSSARY

Aboriginal and Torres Strait Islander (ATSI)	Aboriginal and Torres Strait Islander peoples is the collective term for all people who identify and are recognised as descendants of the original inhabitants of Australia, and acknowledges the many Aboriginal and Torres Strait Islander groups in Australia.
Assistive Technology (AT)	Assistive technology is the term used to cover aids, equipment and technology that provide practical solutions to everyday activities for people with disability.
Bilateral Agreement	An agreement between the Commonwealth and jurisdictional Governments regarding roles and responsibilities for the transition to full coverage of an NDIS in Australia. The WA NDIS Bilateral Agreement is between the Commonwealth and the State Government of WA.
Block funding	A method of funding to a provider that funds a level of service (i.e. number of places or number of beds). Funding can take account of the individual needs of people (e.g. case based funding) but is not controlled by the individual service recipient.
Carer	A person who provides ongoing care, support and assistance to a person with disability, a chronic illness (which includes mental illness) or who is frail, without receiving a salary or wage for the care they provide.
Cash contribution to NDIS	Cash funding provided by State and the Commonwealth to the NDIS. See In Kind Contribution (a non-cash contribution from jurisdictions to the NDIS).
Choice and Control	Enabling participants to control the supports they receive and to choose how support is provided. This can also involve a range of options from choosing providers to managing their own support funding; choose types and timing of provision support, which provider and how payments will be administered.
Co-design	A design process which empowers, encourages and guides users to develop solutions for themselves.
Council of Australian Governments (COAG)	The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia. The members of COAG are the Prime Minister, State and Territory Premiers and Chief Ministers and the President of the Australian Local Government Association.
Continuity of Support	People with disability, their families and carers will be provided with continuity of support that will ensure that the support they receive once the NDIS is introduced will enable them to achieve similar outcomes to the outcomes they were aiming to achieve prior to the introduction of the NDIS.
Data Standard	The information being sought by the NDIS about existing clients funded for supports by States and Territories to assist with streamlined intake, access and planning processes.
Defined Programs	Approved Commonwealth, State and Territory programs whereby people receiving support from these programs can transition to the NDIS without a requirement to provide evidence of disability because the eligibility of these programs align with NDIS disability criteria.

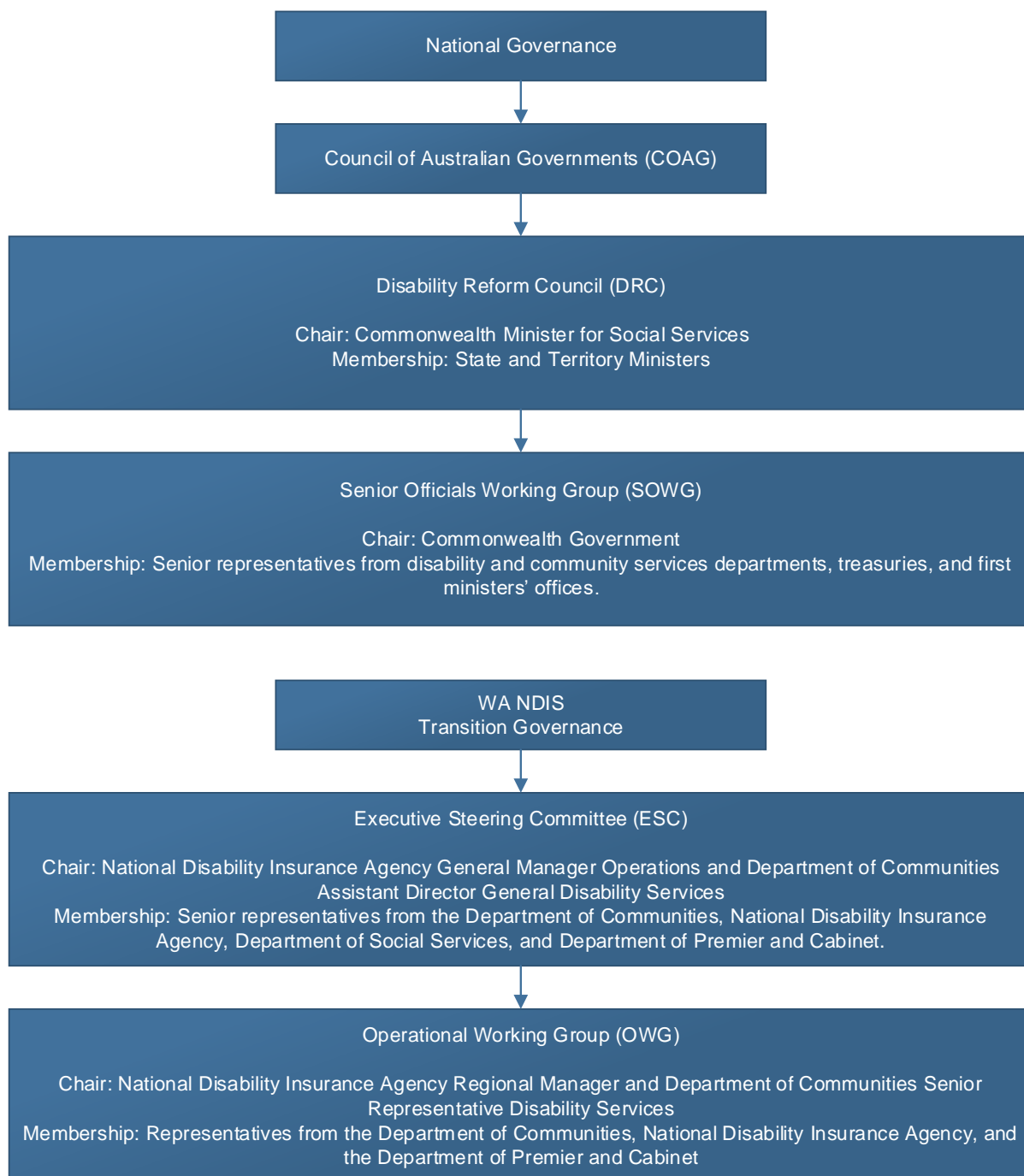
Disability Staff	For the purposes of Schedule J, “disability staff” refers to all WA Government disability staff materially affected by the national rollout of the NDIS, regardless of whether the roles are directly involved in the delivery of services to clients.
Eligibility requirements	Also known as ‘access requirements,’ is the criteria a person must meet to become a participant in the NDIS.
ESC	Executive Steering Committee.
Evidence Base	The evidentiary base for decision making by NDIA personnel, including whether a person meets the access criteria and is eligible for funding for reasonable and necessary supports, as well as the factual information compiled by the NDIA from its experience in trial sites, data collection and independent research.
Full Scheme	The dates by which the Scheme will be available to all eligible residents.
In-kind contribution	Contributions from jurisdictions and the Commonwealth to NDIS which are not in the form of cash but instead are in the form of providing support to individuals on behalf of the NDIS through existing government programs.
Partners in the Community (PITC)	PITCs build relationships with people with disability and their families and carers; help build and support informal support systems; and connect people with mainstream services and local, community based supports. PITCs assist participants to implement and manage their plans and will monitor their progress, when necessary. PITCs also have an on-going role in community education and community capacity building, and be an important source of information about the on-the-ground effect of the NDIS.
Mainstream Interface Principles and Tables of Support	The interactions of the NDIS with other service systems that reinforce the obligations of other service delivery systems to improve the lives of people with disability, in line with the National Disability Strategy. The principles outlined in this document determine the funding and delivery responsibilities of the NDIS and other systems in achieving this vision. The principles can be found at https://www.coag.gov.au/node/497 .
National Disability Insurance (NDIA)	The NDIA is an independent statutory body whose role is to implement the National Disability Insurance Scheme (NDIS), which will support a better life for hundreds of thousands of Australians with a significant and permanent disability and their families and carers.
National Disability Insurance Scheme (NDIS)	The NDIS is an insurance scheme created to provide assistance for persons or entities for the purpose of assisting people with disability to realise their potential for physical, social, emotional and intellectual development, and to fully participate in social and economic life.
NDIS Rules	NDIS Rules will give practical effect to the intent of the NDIS Act 2013. https://www.comlaw.gov.au/Details/F2013L01063
Outcomes Framework	The NDIA’s mechanism for measuring success for people with disability in areas like choice and control, social inclusion, education, employment, health and housing.
OWG	Operational Working Group
Participant	A person becomes a participant in the NDIS on the day the CEO determines the person meets the access criteria and has been assessed as satisfying the criteria as per the NDIS Act 2013 criteria.

Parties	Parties refers to the signatories to this Operational Plan.
Planning process	The process in which the NDIA helps a participant to plan for the assistance they need from the NDIS to attain their goals.
Provider	An organisation or individual who provides support and/or care, aids and equipment. The provider may directly supply the support (NDIS Funded Provider) or assist with the management of an NDIS participant's plan (Plan Management Agent). Providers can offer a range of support services and operate in a single location or multiple locations.
System Stewardship	System stewardship refers to the responsible planning, management and administration of existing government functions through the transition to the NDIS.
Quality and Safeguards Framework	The NDIS Quality and Safeguarding Framework provides a nationally consistent approach to help empower and support NDIS participants to exercise choice and control, while ensuring appropriate safeguards are in place and establishes expectations for providers and their staff to deliver high quality supports.
Reasonable and necessary supports	Defined as the most appropriate, cost effective support to enable a participant's social and economic participation. The NDIA publishes operational guidelines to assist decisions on what is to be funded as a reasonable and necessary support by NDIS in a participant's plan. For supports to be reasonable and necessary they must meet all elements of the test set out in s34 of the NDIS Act 2013.
Rural and Remote	The Rural, Remote and Metropolitan Areas classification is based on the Modified Monash Model (MMM) has seven categories based primarily on population numbers and an index of remoteness. http://www.doctorconnect.gov.au/internet/otd/publishing.nsf/Content/ (link to MMM locator) Note: Remote is 6 and Very Remote is 7
Service Delivery Operating Model (SDOM)	The SDOM is the overarching design of how the Agency will operate, at a service delivery level, to best deliver on the intent of the NDIS. The design of the SDOM seeks to ensure the Agency administers the NDIS in a fair, flexible and cost efficient way.
Supported Accommodation	Accommodation support options range from a low level of formal support provided every few days (for example, in-home and drop-in support services), through to support provided 24 hours a day.
Transfer Plan	The Transfer plan operationalises the transfer of WA NDIS participants to the NDIS. It covers the period 1 April to 31 December 2018.
Transfer activities	Activities undertaken to support the transfer of existing WA NDIS participants and providers to the NDIS.
Transition activities	Activities undertaken to support people with disability and service providers to access and operate within the NDIS (excluding transfer activities).

Appendix A: The Relationship between the Bilateral Agreement and other key Government



Appendix B: Governance Arrangements



Appendix C: Terms of Reference for Executive Steering Committee

<p>Purpose</p>	<p>The WA Executive Steering Committee (ESC) will oversee the transition to the NDIA administered NDIS across Western Australia (WA) in accordance with the Bilateral Agreement for the Transition to the NDIS in WA.</p>
<p>Chair</p>	<p>The WA Executive Steering Committee will be co-chaired by the Assistant Director General (Disability Services) of Department of Communities (Communities) and General Manager, Operations, NDIA.</p>
<p>Membership</p>	<p>The ESC executive membership will form the core membership of the committee and will comprise of senior representatives from:</p> <ul style="list-style-type: none"> • Communities • Department of the Premier and Cabinet (WA) • Commonwealth Department of Social Services • NDIA <p>Other subject matter experts, or Transfer and Operational Plan leads will be invited, as needed, to support agenda items.</p> <p>The ESC may be supported by Working Groups to support the achievement of deliverables identified as essential to the implementation of transition in WA.</p>
<p>Meetings</p>	<p>The ESC will meet monthly with additional meetings scheduled as required. The frequency of meetings will be reviewed every 6 months and may be reduced as the transfer and transition processes become embedded in established business arrangements.</p>
<p>Objectives</p>	<p>To ensure successful transition to the NDIA administered NDIS across WA in accordance with the Bilateral Agreement for the Transition to the NDIS in Western Australia (WA).</p> <p>During transition, the ESC will be the primary joint State-Commonwealth governance body responsible for overseeing the implementation of the NDIS across WA. The ESC will oversee progress against the agreed arrangements in the Bilateral Agreement, Operational Plan and Transfer Plan.</p> <p>The ESC will also oversee the implementation of interfaces between the NDIA and the WA government agencies responsible for other services and supports used by people with disability.</p> <p>The ESC will oversee agreed interactions between the NDIS and mainstream services are guided by Council of Australian Governments (COAG) Principles to Determine Responsibilities of the NDIS and Other Service Systems.</p>
<p>Scope and Decision Making</p>	<p>The ESC will have a strategic assurance role in the transition to the NDIS in WA. The ESC will monitor progress against key transition and transfer deliverables critical to implementation of the NDIS in WA and be involved in the management of significant issues or risks to the transition.</p> <p>The ESC's scope will include:</p>

	<ul style="list-style-type: none"> • Authorisation of working arrangements and products required during transition (noting this may be done out of session where products are already agreed by OWG). • Monitoring implementation of strategic issues and risks of the Bilateral Agreement, Operational Plan and Transfer Plan, including considering monthly Regional implementation updates based on participant and transition data (noting operational implementation issues should first be considered at OWG and be discussed by exception at ESC). • Overseeing the management of strategic issues and risks for implementation of the NDIS, including any systemic implementation or policy issues and mitigation strategies to resolve these during the transition. <p>Where the ESC is unable to reach agreement on an issue, it will be escalated to the relevant senior officials in the membership agencies listed above. Where there are matters relating to the terms of the Bilateral, the dispute resolution and escalation clauses of the Bilateral Agreement will apply.</p> <p>Where the matters have broader national policy implications they will be escalated to the Senior Officers Working Group.</p> <p>The ESC will also serve as an escalation point for issues raised by the WA Operational Working Group (OWG) and communicate outcomes of decisions.</p>
<p>Operations & Resources</p>	<p>Meetings will be held via video/teleconference or face to face. The NDIA will provide secretariat support to the ESC.</p> <p>A call for agenda items will occur two weeks prior to the meeting and the agenda and papers will be distributed one week prior to the meeting.</p> <p>Minutes will be disseminated to members within 3 days of the meeting.</p>
<p>Reporting</p>	<p>The ESC will monitor progress against the agreed arrangements in the Bilateral Agreement, Operational Plan and Transfer Plan. A comprehensive report on agreed arrangements will be provided by OWG to the ESC for consideration at each meeting. The report will highlight strategic issues or significant risks that ESC may need to consider or manage.</p> <p>The ESC will consider high level and strategic risks from the monthly transition Risk Register which will be prepared by the NDIA and will record key risks and issues as well as strategies for their timely treatment and resolution during the transition period.</p>
<p>Review</p>	<p>These terms of reference will be reviewed after six months and then annually.</p>

Appendix D: Terms of Reference for the Operational Working Group

<p>Purpose</p>	<p>The WA Operational Working Group (WA OWG) support the joint Executive Steering Committee to implement the NDIS in WA by overseeing the delivery of operational activities to support the successful transition to the nationally administered NDIS across WA.</p>
<p>Chair</p>	<p>The WA OWG will be co-chaired by the Regional Manager, NDIA and the Executive Director – Local Operations, from the Department of Communities.</p>
<p>Membership</p>	<p>. The WA OWG will comprise representatives from :</p> <ul style="list-style-type: none"> • NDIA <ul style="list-style-type: none"> ○ Regional Manager ○ Director Scheme Implementation WA ○ Director Service Delivery ○ Director Engagement • Department of Communities (Communities) <ul style="list-style-type: none"> ○ Workforce Manager ○ Executive Director – Sector Engagement and Development and Information Analysis Manager ○ Sector Finance and Business Manager ○ Manager Strategic Communications ○ Engagement Training and Model Consultancy Manager • Department of the Premier and Cabinet (WA) <p>Representatives from other Western Australian (WA) agencies impacted by the transition will be invited on an as needs basis.</p> <p>To ensure consistency, it is expected that all nominated representatives will attend meetings where possible.</p> <p>Each government agency may nominate a non-contributing member for attendance via teleconference.</p> <p>Subject matter experts will be invited, as needed, to support agenda items</p>
<p>Meetings</p>	<p>The OWG will meet monthly with additional meetings scheduled as required. The frequency of meetings will be reviewed every 6 months.</p> <p>Members can delegate to a senior proxy representative where required.</p>
<p>Objectives</p>	<p>The OWG will support the joint State-Commonwealth governance body (Executive Steering Committee) to implement the NDIS in WA. The WA OWG will oversee the delivery of operational activities to ensure successful transition to the nationally administered NDIS across WA in accordance with the Bilateral Agreement for the Transition to the NDIS in Western Australia.</p>

<p>Scope and Decision Making</p>	<p>The WA OWG will report to the Executive Steering Committee (ESC). The WA OWG will:</p> <ul style="list-style-type: none"> • Identify, manage and resolve operational issues critical to the successful roll out of the NDIS in WA • Oversee and monitor NDIS Transfer and Transition phasing and implementation throughout WA in line with the Bilateral Agreement, Operational Plan and Transfer Plan. • Oversee the NDIS interface with other service systems, including mainstream agencies, to resolve any issues that are critical to the implementation of the Scheme that cannot be resolved through engagement between the NDIA and the other service systems. Connect with existing local coordinator and service delivery networks in order to enhance operational and administrative arrangements • Oversee and monitor regional communication and engagement strategies. • Regularly report to the ESC through an agreed progress status report which includes on participant data, transition rates, risks, issues, and systemic implementation and policy issues. • Escalate issues and risks that may impact on the success of transfer and transition to full Scheme arrangements to the WA ESC.
<p>Operations & Resources</p>	<p>Meetings will be held via video/teleconference or face to face. The NDIA will provide secretariat support to the OWG.</p> <p>A call for agenda items will occur two weeks prior to the meeting and the agenda and papers will be distributed one week prior to the meeting.</p> <p>Minutes will be disseminated to members within 3 days of the meeting.</p>
<p>Reporting</p>	<p>The OWG will report to the ESC on progress and issues against the agreed arrangements in the Bilateral Agreement, Operational Plan and Transfer Plan each month. A comprehensive report on agreed arrangements will be provided to the ESC for consideration at each of its meetings.</p> <p>This will occur through a standardised report on transition progress and operational/ implementation risks, and actions and decisions.</p>
<p>Review</p>	<p>These terms of reference will be reviewed after six months and then annually.</p>