



Disability Services Commission

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

Grace Periods

1. Keywords

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

2. Policy statement

This operational policy outlines the circumstances in which an individual in WA NDIS may be absent from Australia for six weeks without affecting their plan.

3. Principles

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

4. Introduction

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

An individual who has a plan may be temporarily absent from Australia for six weeks without affecting their plan. This six week grace period is automatically applied and commences from the person's date of departure. Individuals can request that the Commission extend the grace period beyond six weeks.

If an individual remains overseas after the end of the grace period (either six weeks or if approved, a longer timeframe), the plan is suspended from the end of the grace period until they return to Australia. The effect of suspending the plan includes placing funding amounts on hold and individuals cannot request a plan review.

For individuals moving within Australia, see WA NDIS Operational Policy – Portability: People permanently moving into or out of a WA NDIS trial site.

5. Definition

Grace period means the period of six weeks or, by Commission approval, a longer period, during which a plan remains in effect despite the individual being absent from Australia.

6. Implementation

This Operational Policy will be implemented in WA NDIS trial sites.

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

Criteria for extending a grace period beyond six weeks

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

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

- i. Is involved in a serious accident
 - ii. Becomes seriously ill
 - iii. Is hospitalised
 - iv. Is the victim of a serious crime
 - v. Is a party in custody proceedings, or
 - vi. Is required to remain overseas in connection with criminal proceedings
2. War, industrial action, or social or political unrest in which the individual is not willingly participating
 3. Natural disaster.

When making a decision whether to extend an individual's grace period, the Commission will also consider:

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

Shared support arrangements

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

Requirements of individuals

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

7. Review of decision to extend grace period

Decisions in WA NDIS trial sites in relation to extending grace periods are reviewable decisions. The individual will be advised of the decision, that the decision can be reviewed, and of the review process.

See WA NDIS Operational Policy – Reviewing and Appealing WA NDIS Decisions.

8. Related documentation

Disability Services Act 1993 (amended 2014) and Disability Services Regulations 2004 (amended 2016)

National Disability Insurance Scheme (Plan Management) Rules 2013

National Disability Insurance Scheme Operational Guideline – Monitoring and Review of a Participant's Plan – Extending Grace Periods, 9 December 2013

WA NDIS - Operational Policy – Portability: People Permanently Moving into or out of a WA NDIS Trial Site

WA NDIS Operational Policy – Reviewing and Appealing WA NDIS Decisions

WA NDIS Operational Policy – Plan Development and Plan Changes

9. Evaluation and review date

30 June 2017 or earlier if required.

For further information contact

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