



Disability Services Commission

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

## Responsibility for Supports – WA NDIS and Mainstream Government Agencies

### 1. Keywords

Mainstream government agencies, supports, access, person-centred support, Health, Mental health, Early childhood development and education, Child protection and family support, School education, Higher education and vocational education and training, Employment Housing and community infrastructure, home modifications, Transport, vehicle modifications, Justice, Aged care, household supports, assistive technology, personal care, prosthetic limbs, recreation supports.

### 2. Policy statement

This operational policy outlines the responsibilities for supports held by WA NDIS and other government service systems in the WA NDIS trial.

### 3. Principles

All citizens have equal access to supports from the service system most appropriate to their needs.

Responsibilities for services that are not specific to disability are the responsibility of mainstream agencies. Reasonable and necessary supports funded by WA NDIS will complement, not replace, other mainstream supports.

WA NDIS supports the Applied Principles, which outline the responsibilities of the NDIS and other service systems as part of the Intergovernmental Agreement for the National Disability Insurance Scheme (NDIS) Annex D on the basis that this will not impose obligations on mainstream services.

Flexibility will be maintained and agencies will work together locally to provide person-centred support, rather than focusing on programs or funding sources.

## 4. Introduction

In WA NDIS, a person with disability develops a plan based on their identified goals and the exploration of a range of strategies and options. In addition to the individual's goals for a good life, the plan documents the strategies identified to achieve these goals, and reflects the importance of informal, natural supports, such as friends, neighbours, and local community connections. Supports and services which relate to the disability and require funding are also identified.

The reasonable and necessary supports in a plan which require funding must relate to the disability and must meet each of a range of criteria, including that the support is most appropriately funded or provided through the WA NDIS.

This operational policy describes the supports which are funded through WA NDIS and those more appropriately provided by other mainstream government agencies.

## 5. Implementation

This operational policy will be implemented in WA NDIS trial sites.

The following information supports decision making and assists in identifying whether a support is more appropriately provided through WA NDIS or another service system.

Collaborative negotiations are continuing between the National Disability Insurance Agency (NDIA), the Commission and mainstream agencies on responsibilities for support. The information in the table below should be referred to until negotiations are completed. For more information refer to Annex D.

It should be noted that some disability specific supports documented in WA NDIS plans are provided by mainstream agencies through in-kind services. In-kind programs are existing disability-support services that NDIS participants may access and have recorded in a plan. However, no funding is provided to access in-kind supports as the Western Australian and/or Commonwealth government(s) fund the mainstream agency responsible for the implementation of that support.

Areas of general supports that are covered in the attachments are as follows:

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Higher education and vocational education and training	6
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Other general supports such as household supports, assistive technology, personal care, prosthetic limbs and recreation supports	12

## **6. Related documents**

Principles to Determine and Responsibilities of the NDIS and Other Support Systems, Applied Principles and Tables of Support, Annex D, 27 November 2015

Individualised Funding Policy and Guidelines, June 2015

Policy for Recreation for People with Disability, 2015

WA NDIS Coordination Framework, October 2012

People at Risk Policy, December 2009 and Operational Guidelines, February 2011

Eligibility Policy for Specialist Disability Services funded or provided by the Commission, October 2013

Family Members as Paid Support Workers Policy, February 2012

WA NDIS Assistive Technology and Home Modifications Imprest List 2016

Relevant Interagency Memoranda of Understanding (MOU)

## **7. Evaluation and review date**

30 June 2017 or earlier if required.

### **For further information contact**

Scheme Policy & Program Transition Manager

Policy and Planning Directorate

Date 30 June 2016



## Attachment 1

### Health

WA NDIS **will be** responsible for supports relating to a person's ongoing functional impairment resulting from their permanent disability. WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances. The supports will enable the person to undertake activities of daily living including maintenance supports delivered or supervised by clinically trained or qualified health practitioners. This is where supports are integrally linked to the care and support a person with disability requires for living in the community.

Supports may include:

- Assistive technology such as wheelchairs, hearing aids and adjustable beds relating to a person's permanent disability.
- Items such as prosthetics and artificial limbs (surgery remains the responsibility of the health system)
- Home modifications, personal care and domestic assistance. This will assist a person with disability exiting the health system to live independently in the community or return to their own home.
- Allied health and other therapy where this is required as a result of the person with disability's impairment, including physiotherapy, speech therapy or occupational therapy. The health system is responsible for the initial supports if they are required as part of rehabilitation from an accident or injury or as part of treatment for medical conditions. WA NDIS is responsible for maintenance supports where a person has reached a point of stability in regard to their functional capacity.

The health system has responsibility for assisting a person with disability with clinical and medical treatment.

This includes:

- The diagnosis and clinical treatment of health conditions, including ongoing or chronic health conditions, and other activities that aim to improve a person's health status such as general practitioner services, medical specialist services, dental care, nursing, allied health services (including acute and post-acute services), preventive health, care in public and private hospitals and pharmaceuticals or other universal entitlements.
- Time-limited, goal-oriented services and therapies where the predominant purpose is treatment directly related to the person's health status, or after a recent medical or surgical event, to enable a person to regain his or her maximum achievable level of functioning, including rehabilitation and post-acute care. This may include physiotherapy, speech therapy and occupational therapy.
- Assistive technology prescription following discharge from hospital to meet the individual's interim needs.
- Interim time-limited support services to support a person's safe discharge to home.
- Palliative care irrespective of whether the illness or disease may or may not be related to the individual's ongoing disability.

Individuals and families may also contribute to funding the medical and clinical services, such as out of pocket expenses, gap payments and private health insurance fees. WA NDIS will not cover these costs.

The mainstream agency that is primarily responsible for general health in Western Australian is the Department of Health.



## Attachment 2

### Mental Health

WA NDIS will include people with impairments attributable to psychiatric conditions, as outlined in the eligibility policy of WA NDIS. Most will have their support needs met from WA NDIS and the health and mental health systems.

WA NDIS **will be** responsible for supports that are **not** clinical in nature and that focus on a person's functional ability, including supports that enable a person with a mental illness or psychiatric condition to undertake activities of daily living and participate in the community, social and economic life. WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances. These include:

- assistance to coordinate supports and assistance with daily personal activities
- development of daily living and life skills
- assistance with accommodation and tenancy obligations, but not rent
- assistance with daily life tasks in a shared living arrangement (non-clinical)
- assistance with transport.

The health and mental health systems have responsibility for providing a range of supports for people with disability with clinical and medical treatment and are responsible for the diagnosis and treatment of psychiatric conditions and mental illness. The health and mental health systems are responsible for:

- Supports related to mental health that are clinical in nature, including acute, ambulatory and continuing care, rehabilitation/recovery, and early intervention supports, including clinical support for child and adolescent developmental needs
- Clinical rehabilitation, or where the service model primarily employs clinical staff, or supports relating to a co-morbidity with a psychiatric condition where the co-morbidity is clearly the responsibility of another support system (e.g. treatment for a drug or alcohol issue)
- Intensive case coordination operated by the mental health system where a significant component of case coordination is related to the mental illness.

The mainstream agencies that are primarily responsible for mental health in Western Australian are the Mental Health Commission and the Department of Health.

## Attachment 3

### Early Childhood Development

Early childhood interventions can be provided where reasonable and necessary for children under six years of age. They aim to optimise learning, development and social participation of the child by facilitating the achievement of the normal developmental milestones of early childhood, with particular regard to the functional domains of self-care, language, cognition and motor development.

In relation to early childhood supports, WA NDIS **will be** responsible for:

- Personalised individualised supports, specific to a child's disability (or developmental delay), which are additional to the needs of children of a similar age and beyond the reasonable adjustment requirements of early childhood development service systems.
- Early interventions for children with disability (or developmental delay) which are:
  - Specifically targeted at enhancing a child's functioning to undertake activities of daily living, and that are required because of the child's disability.
  - Likely to reduce the child's future support needs, which would otherwise require support from WA NDIS in later years, including through a combination and sequence of supports (not including medical and health treatments outlined in the health system section above).

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS will **not be** responsible for:

- Supports that are specifically for the purpose of accessing a universal service, such as school readiness programs that prepare a child for education.
- Early childhood education and personal care supports which are usually required by children of a similar age including inclusion supports that enable children to participate in early childhood education and care settings.
- The health system, including child and maternal health services, will be responsible for supports, which are clinical in nature including acute, ambulatory or continuing care, and new-born follow-up.
- The early childhood education and care sector will continue to be responsible for meeting the educational and care needs of children with a development delay or disability, including through inclusion supports that enable children to participate in early childhood education and care settings.

The mainstream agencies that are responsible for early childhood care and education in Western Australian are the Department of Education, the Department of Local Government and Communities, Department of Health and the federal Department of Education.



## Attachment 4

### Child Protection and Family Support

Where a child with disability is in out-of-home care, WA NDIS **is responsible for** supports specific to the child's disability or developmental delay, which are additional to the needs of children of similar ages, in similar out-of-home care arrangements. On occasion, children will remain with their families but be under care and protection orders. WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS **will be** responsible for support to children, foster families and carers required as a direct result of the child's disability or parent's disability, including supports that enable foster families and carers to sustainably maintain their caring role, including community participation, therapeutic and behavioural supports, additional respite and aids and equipment. The diversity of out-of-home care arrangements is recognised and the level of 'reasonable and necessary' supports will reflect the circumstances of the individual child.

WA NDIS **will not** be responsible for accommodation needs of children in out-of-home care, including the purchase and maintenance of any capital assets such as housing, care allowances and payments.

Agencies within the child protection system will be responsible for statutory child protection and are responsible for promoting the safety of children from abuse and neglect. This *includes public education on child safety and management of the statutory child protection system, including reporting.*

The child protection, community services, family support, education and/or health sectors will continue to be responsible for general parenting programs, counselling and other supports for families that are provided both to the broad community and families at risk of child protection intervention. This includes making these services accessible and appropriate for families of a child with disability.

The child protection system will be responsible for meeting the needs of the children with disability in out-of-home care, where these supports are not additional to the needs of children of similar age in similar out-of-home care arrangements. It includes support to carers of children in out-of-home care.

The mainstream agency that deals with child protection in Western Australia is the Department for Child Protection and Family Support.

## Attachment 5

### School Education

WA NDIS **will be** responsible for supports that a student requires that are associated with the functional impact of the student's disability on their activities of daily living. This includes supports such as personal care and support, specialist transport to and from school (where no other transport option is available) and specialist supports for transition from school education to further education, training or employment that are required because of the student's disability.

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances. Any supports funded by the WA NDIS will recognise the operational requirements and educational objectives of schools and will be coordinated with the relevant school.

WA NDIS will **not be** responsible for the universal and statutory role of the schooling system. WA NDIS will not be responsible for personalising either learning or supports for students that primarily relate to their educational attainment (including teaching, learning assistance and aids, school building modifications and transport for school activities).

The mainstream agencies that deal with education in Western Australia are the Department of Education and the federal Department of Education.



## Attachment 6

### Higher Education and Vocational Education and Training (VET)

Supports for vocational training and higher education are designed to assist the person with disability to develop new skills and qualifications and to find and retain employment. This may involve formal study with a TAFE or registered training organisation, open employment, volunteer work, work experience, or employment in an Australian Disability Enterprise.

WA NDIS **will be** responsible for supports that a student requires which are associated with the functional impact of the student's disability on their activities of daily living such as personal care and support, transport to and from the education or training facility. It can include specialist supports for transition from education or training to employment that are required because of the person's disability, consistent with the individualised approach to funding of WA NDIS. WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS **will not be** responsible for the learning and support needs of students that primarily relate to their education and training attainment (including teaching, learning assistance and learning specific aids and equipment, building modifications, transport between education or training activities) and general education to employment transition supports.

The mainstream agencies that are responsible for higher education and vocational education and training in Western Australia are the Department of Training and Workplace Development and the federal Department of Education.

## Attachment 7

### Employment

WA NDIS encourages a person with disability to participate in the Australian workforce, to the maximum extent that they are able, and in accordance with their goals and objectives, interests, skills and preferences.

WA NDIS **will be** responsible for supports related to daily living that a person would require irrespective of the activity they are undertaking (including personal care and support and transport to and from work) consistent with the individualised approach to funding that is part of WA NDIS.

WA NDIS will be responsible for frequent and ongoing supports that assist people with disability to take part in work where the person has work capacity and is unlikely to be able to find and retain work in the open market, including with the assistance of employment services.

WA NDIS will be responsible for individualised assistance to support a person with disability to transition into employment, where these support needs are required because of a disability. These needs are specially required as a result of a person's functional impairment, and may include training on dress, workplace relationships, communication skills, punctuality and attendance, and travelling to and from work.

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS will **not be** responsible for:

- The funding or provision of employment services and programs, including both disability-targeted and open employment services to provide advice and support to:
  - People with disability to prepare for, find and maintain jobs, and
  - Employers to encourage and assist them to hire and be inclusive of people with disability in the workplace (i.e. support, training and resources, funding assistance to help employers make reasonable adjustments, and incentives for hiring people with disability, e.g. wage subsidies),
- Work-specific support related to recruitment processes, work arrangements or the working environment in line with The Disability Discrimination Act 1992, including workplace modifications, work-specific aids and equipment, transport within work activities.

The mainstream agencies that are responsible for employment in Western Australia are the Department of Training and Workplace Development the federal Department of Employment.

## Attachment 8

### Housing and Community Infrastructure, Including Home Modifications

WA NDIS **will be** responsible for:

- Supports to assist a person with disability to live independently in the community, including building their capacity to maintain a tenancy and support for appropriate behaviour management
- Home modifications for accessibility for a person in private dwellings and in some cases existing public and community housing dwellings on a case-by-case basis, but not to the extent that it would compromise the responsibility of housing authorities to develop, maintain and refurbish stock that meets the needs of people with disability
- User costs of capital in some situations, where a person requires an integrated housing and support model and the cost of the accommodation component exceeds a reasonable contribution from individuals.

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS **will not** be responsible for:

- The provision of accommodation for people eligible through existing allocation and prioritisation processes. This includes the provision of appropriate and accessible housing for people with disability, routine tenancy support, and ensuring that new publically funded housing stock, where the site allows, incorporates universal design principles and liveable housing design standards.
- Housing and homelessness-specific services including homelessness prevention and outreach, or access to temporary or long term housing for people with disability who are homeless or at risk of homelessness
- The improvement of community infrastructure, i.e. accessibility of the built and natural environment (including roads and footpaths) through planning and regulatory systems and through building modifications and reasonable adjustment where required

The mainstream agency that is responsible for housing in Western Australia is the Housing Authority.

## Attachment 9

### Transport, including vehicle modifications

WA NDIS **will be** responsible for:

- Supports for a person with disability that enable independent travel, including through personal transport-related assistive technology, or training to use public transport
- Modifications to a private vehicle (i.e. not modifications to public transport or taxis)
- The reasonable and necessary costs of taxis or other private transport options for those not able to travel independently

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS **will not** be responsible for:

- Ensuring that public transport options are accessible to a person with disability, including through the funding of concessions to people with disability to use public transport (including parties choosing to provide concessions for the total cost of transport)
- Compliance with relevant non-discrimination legislation, including the Disability Standards for Accessible Public Transport
- Transport infrastructure, including road and footpath infrastructure, where this is part of a universal service obligation or reasonable adjustment including managing disability parking and related initiatives

The mainstream agencies that are responsible for transport in Western Australia are the Public Transport Authority and the Department of Transport.

## Attachment 10

### Justice

WA NDIS **will be** responsible for:

- Funding the full range of supports related to the impact of the person's disability in a person's support package where the person is not serving a custodial sentence or other custodial order imposed by a court. WA NDIS will fund supports where the person is on bail or a community based order (where the community based order places controls on the person to manage risks to the individual or the community [except in the case of secure health facilities])
- Funding for specialised supports to assist people with disability to live independently in the community , including supports delivered in custodial settings aimed at improving transitions from custodial settings to the community, where these supports are required as a result of the person's functional impairment and additional to supports required by others all in similar custodial settings
- Where a person with disability is remanded in custody, funding for reasonable and necessary supports in the person's plan will continue to be available subject to the appropriateness and capacity for these supports to be provided in a custodial setting.

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS **will not** be responsible for:

- Meeting the needs of people with disability in line with the National Disability Strategy and existing legal obligations, including making reasonable adjustments in accordance with the Disability Discrimination Act
- Ensuring the systems, supports and buildings are accessible for people with disability, including appropriate communication and engagement mechanisms, adjustments to the physical environment, assessable legal assistance and appropriate fee waivers
- The day to day care and support needs for a person with disability in custodial settings, including supervision, personal care and general supports which are also required by the general custodial population
- Skill development and living skills to promote effective transition of people with disability out of custodial settings in line with supports offered to other people in custodial settings
- The operation of secure mental health facilities which are primarily clinical in nature.

The mainstream agency that is responsible for justice in Western Australia is the Department of Corrective Services and the Department of the Attorney General.

## Attachment 11

### Aged Care

Once a person with disability turns 65 years of age, they can decide whether to continue to receive supports from WA NDIS system, or take up an aged care place.

Where the person decides to take up an aged care place, there will be a seamless transition between the two systems. The person will be supported by the Local Coordinator at all points during the transition to ensure they receive appropriate supports as they age.

WA NDIS **will be** responsible for supports consistent with the endorsed plan, unless and until the person chooses to permanently enter the aged care system. A WA NDIS person with disability can choose to purchase support from an aged care provider and WA NDIS will fully meet reasonable and necessary support costs.

WA NDIS funding for these supports may be available where determined to be reasonable and necessary within the context of the person's circumstances.

The aged care system **will be** responsible for aged care and carer support services, including through subsidies and grants, industry assistance, training and regulation of the aged care sector, information assessment and referral mechanisms, needs-based planning arrangements and support for specific needs groups and carers.

The mainstream agencies that deal with aged care are the federal Department of Health and the federal Department of Human Services.





## Attachment 12

### Other general supports – Household tasks

WA NDIS will fund supports to achieve outcomes identified in the person's plan where determined to be reasonable and necessary within the context of the person's circumstances. Local Coordinators will have regard for the funding decision criteria contained in the WA NDIS Operational Policy – Funded Supports in the Plan – Reasonable and Necessary.

WA NDIS **will be** responsible for reasonable and necessary supports in the person's plan that are directly related to the impact of the person's disability on their life, for example, assistance with specialised equipment for household tasks.

WA NDIS **will not** be responsible for costs unrelated to a person's disability support needs, such as day-to-day living costs that are incurred by all members of the community, such as rent or groceries.

### Other general supports - Personal Care

Personal care supports relate to assistance with or supervision of daily personal tasks. Support should complement and coordinate with informal supports.

Local Coordinators should consider how personal supports in the plan:

- maximise independence and functional skills,
- are appropriate to the person's age and circumstances, and
- whether alternative arrangements / supports could meet these needs in a less intrusive manner. For example assistive technology may enable a person to complete tasks for themselves or the provision of training may increase the person's independence in the tasks.

Personal support for children within WA NDIS does not replace the usual care and supervision provided by parents to their children. Support can be provided to assist parents undertake their role where the level of care and supervision needed is beyond the level usually provided for children of that age. WA NDIS will fund supports for personal care where determined to be reasonable and necessary within the context of the person's circumstances.

WA NDIS **will not** pay family members to provide personal support, except in exceptional circumstances. See Family Members as Paid Support Workers Policy, February 2014, Disability Services Commission.

## Other general supports - Recreation Supports

WA NDIS recognises that recreation is highly valued as an important factor contributing to the quality of life of all people. Recreation is broadly defined as what people choose to do in their free time. The definition encompasses a wide range of recreation and leisure pursuits including sport, art and cultural activities, passive and active pastimes. The principal characteristics are that activities are freely chosen and undertaken by the individual in their free / leisure time.

Local Coordinators should consider the benefits of recreation supports in contributing to a person's strategies and goals through:

- enhancing the lives of people with disability through increased community participation and inclusion,
- increased well-being and the development of new skills,
- integrating recreation activity into community life.

WA NDIS will fund recreation supports that relate to the goals identified by the person in their plan where determined to be reasonable and necessary within the context of the person's circumstances, for example, greater social networks. For funding decision criteria, see WA NDIS Operational Policy – Funded Supports in the Plan – Reasonable and Necessary.

## Assistive Technology

WA NDIS **will** fund a range of assistive technology products to enable the person with disability to better function in their homes and the community (including postural seating and wheelchairs, communication aids, transfer aids, vision and hearing equipment). This will include professional assessment, prescription, supply, repairs and maintenance to equipment due to regular wear and tear. WA NDIS will also fund delivery costs to the place of use, set up, and configuration with other equipment. WA NDIS funding for assistive technology will be approved where it has been determined to be reasonable and necessary within the context of the person's circumstances.

Currently assistive technology for WA NDIS is funded through the Commission's Assistive Technology and Home Modifications budget held in each of the WA NDIS trial sites.

WA NDIS **will not** fund household items that are not related to the person's functional limitations and would be purchased normally by any other person.

## Prosthetic limbs

WA NDIS **will** fund reasonable and necessary prosthetic limbs that are required due to disability and that are identified in agreed goals in the WA NDIS plan for the person with disability. WA NDIS funding for prosthetic limbs will be approved where it has been determined to be reasonable and necessary within the context of the person's circumstances, for example post rehabilitation.

The mainstream agency that deals with assistive technology and prosthetic limbs is the Department of Health.