



WA National Disability Insurance Scheme

Reviewing and appealing decisions

West Australians will have access to a nationally consistent appeals process by the time the NDIS has rolled out across the state. This will include access to appeals through the Administrative Appeals Tribunal (AAT). The Commonwealth and State Governments are working to progress legislative changes that will allow this to occur.

Until these changes come into effect, the current WA NDIS reviews and appeals processes, as outlined below, will apply.

Choice and control

The NDIS supports people with disability, their families and carers to maximise their level of choice and control. This includes the right to request a review of key 'reviewable decisions' made by Local Coordinators.

A request for review can be made either by the person with disability or their representative. These decisions can also be appealed if that person is unhappy with the outcome of the review process. Appeals are heard by people external to the Department of Communities.

Reviewable and appealable decisions

Decisions about the following matters can be reviewed and appealed:

Eligibility – decisions about whether a person is eligible to access the NDIS.

'Reasonable and necessary' funded supports in the plan – decisions about 'reasonable and necessary' funded supports.

Self-management of funds – decisions about a person's request to self-manage the funding for supports in their plan.

Extension of grace period – decisions about extending the grace period beyond the six weeks that a person can be absent from Australia without affecting their plan and funding.

Review of a NDIS plan – decisions about reviewing a person's plan.

Application of compensation reduction amounts – decisions about how any current or future compensation payments impact on funding for ‘reasonable and necessary’ supports.

If you are unhappy with an aspect of your interaction with the Department of Communities about something other than these matters, you can raise a concern or complaint through your Local Coordination Office or the Consumer Liaison Service.

What happens if I disagree with the outcome of a reviewable decision?

When your Local Coordinator makes a reviewable decision, they will notify you or your representative of the decision. If requested, the decision and reasoning will be provided to you in writing.

If you are not satisfied with the decision, you may request a review and begin the formal process in a format that suits you. This could be by phone, in writing, in person or through your representative.

In the first instance, you may discuss the review request with your Local Coordinator. If you would prefer to speak to someone else, you can contact your Area Manager.

How does the Department of Communities review decisions?

When you request a review of a decision, the Department’s process has three stages. The decision will be reviewed by the:

- 1. Original decision maker** – your Local Coordinator or Area Manager;
- 2. Manager** – a senior officer who was not involved in the original decision; then
- 3. Executive Director**, Local Operations

At each stage you will be advised of the outcome of the review and whether the original decision has been confirmed or changed. If you are dissatisfied with the outcome, you can request that the decision is progressed to the next stage.

You can provide additional information at any point in the process.

If you are dissatisfied with the outcome at the conclusion of the internal review process, you can appeal the decision.

What happens if I appeal a decision?

The WA NDIS Appeals Panel is chaired by a person who is external to the Department of Communities. An appeal will usually progress through two-stages – a case conference and a panel hearing.

The Panel Chair will hold a case conference to clarify the details of the decision; this will include your viewpoint and those of people in the Department of Communities who made the decision. After the case conference, your appeal will proceed to a panel hearing.

The Panel Chair will draw on a pool of appointed panel members who are external to the Department of Communities. For each appeal, panel members are selected based on their expertise and experience relevant to the matter being considered.

The Appeals Panel will consider the decision and associated information. You will be able to provide a submission to the Appeals Panel or any other supporting evidence you would like the Panel to consider.

The Appeals Panel will consider the appeal and make a recommendation to the Director General of the Department of Communities to confirm, vary or set aside the decision. The final decision and the reasons for it will be provided to you in writing.

If you are dissatisfied with how you are dealt with during the review and / or appeal process, you can make a complaint to the Disability Services Consumer Liaison Officer. This will not impact the review or appeal decision and will be dealt with separately from the review process.

Have a concern that isn't about a reviewable decision?

Disability Services Consumer Liaison Officer:

- phone 9426 9244
- email CLO@dsc.wa.gov.au

Health and Disability Services Complaints Office

www.hadsco.wa.gov.au

Email: mail@hadsco.wa.gov.au

Phone: 6551 7600

TTY: 6551 7640

Country Free Call: 1800 813 583

Ombudsman Western Australia

www.ombudsman.wa.gov.a

Email: mail@ombudsman.wa.gov.au

Phone: 9220 7555

Further information

- **Visit:** www.disability.wa.gov.au
 - **Email:** WANDIS@dsc.wa.gov.au
 - **Call:** 1800 996 214
 - **TTY:** 9426 9315
 - **Am I Eligible?:** This online tool allows people to check their potential eligibility for the NDIS. Go to www.disability.wa.gov.au and click on **Am I Eligible?**
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