



# WA National Disability Insurance Scheme

## Reviewing and appealing decisions

WA 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.

If you are dissatisfied with the outcome of the review, you have the right to request an appeal. Appeals are heard by people external to the Disability Services Commission (the Commission).

### Decisions that can be reviewed or appealed

There are a number of key decisions (outlined below) that can be reviewed on request. A request 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.

### Reviewable and appealable decisions

**Eligibility** – decisions made in relation to the WA NDIS eligibility criteria.

**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 WA 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.

## 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, your Local Area Manager may be able to assist.

## Making changes to your plan

WA NDIS plans are designed to be flexible and responsive to opportunities, challenges and changes in your life.

This means that you and your Local Coordinator will annually monitor the progress of your plan against your goals, and review your plan if required. Together you will be able to identify any risks or urgent needs that need to be addressed through your individualised plan.

## How the Commission reviews decisions

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

1. **Original decision maker** – your Local Coordinator or Area Manager
2. **Next line manager** – a senior officer who was not involved in the original decision
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 request to appeal the decision.

## Appealing a decision

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

The Panel Chair will hold a case conference to clarify the details of the decision, your viewpoint and those of people in the Commission who made the decision. If the parties wish to explore alternative dispute resolution, the decision to do so can be made at a case conference.

If the appeal is not resolved at the case conference, it will proceed to a panel hearing. The Panel Chair will draw on a pool of appointed panel members who are external to the Commission. 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 Disability Services Commission to confirm, change or set aside the decision. The final decision and the reasons for it will be provided to you in writing.

**Please note: This is the current process, as of July 2016. It may be amended as part of the ongoing review of the WA NDIS trial.**

If you are dissatisfied with how you are dealt with during the review and / or appeal process, you can make a complaint to the Commission's Consumer Liaison Officer. This will not impact the review decision and will be dealt with separately from the review process. Call: 9426 9244 or email: [CLO@dsc.wa.gov.au](mailto:CLO@dsc.wa.gov.au) .

## Avenues of complaint outside the Commission

### Health & Disability Services Complaints Office

[www.hadsco.wa.gov.au](http://www.hadsco.wa.gov.au)

Email: [mail@hadsco.wa.gov.au](mailto: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](http://www.ombudsman.wa.gov.a)

Email: [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au)

Phone: 9220 7555

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## Further information

- **Visit:** [www.disability.wa.gov.au](http://www.disability.wa.gov.au)
  - **Email:** [WANDIS@dsc.wa.gov.au](mailto:WANDIS@dsc.wa.gov.au)
  - **Call:** 1800 996 214
  - **TTY:** 9426 9315
  - **Am I Eligible?:** This online tool allows people to test their potential eligibility for WA NDIS. Go to [www.disability.wa.gov.au](http://www.disability.wa.gov.au) and click on **Am I Eligible?** It also provides contact details for State Government disability services throughout WA.
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