



Disability Services Commission

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

Eligibility

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1. Key words

Eligibility, eligibility criteria, requirements, participation, assessment, disability, age, residence, early intervention, impairment, developmental delay.

2. Policy statement

This policy outlines the eligibility criteria for participation in the WA NDIS.

3. Principles

Eligibility is underpinned by legislation and agreements between the Western Australian and Commonwealth Governments and is nationally consistent.

The process for determining eligibility is clear, transparent and documented in publicly available information.

The eligibility determination process is applied consistently across the WA NDIS.

4. Implementation

This policy applies to the WA NDIS areas on the dates of the roll-out as outlined in Appendix 1.

5. Requesting an eligibility determination

A request for determination of eligibility for WA NDIS can be made at any time from the date the WA NDIS commences in the area that that person resides (see Appendix 1).

The request is made by contacting a Local Coordination office. Alternatively, if the person agrees, a third party may make initial contact. Local Coordination staff then arrange to meet with the person, and if desired their family or supporter(s).

The eligibility request is confirmed through signature of the WA NDIS Personal Details and Consent form by the person with disability and/or their representative.

The date the signed form is received by the Local Coordination Office, is the date the request is considered to have been made.

For operational purposes, the process of exploring eligibility may be initiated prior to the area commencement date, to facilitate the smooth and timely roll out of the scheme.

6. Age requirements

A person meets the age requirements if the person is under 65 years at the time of the eligibility request.

7. Residence requirements

Residence requirements are met if the person:

- a) legally resides in Australia; and
- b) is either an Australian citizen, the holder of a permanent visa, or a protected Special Category Visa (subclass 444) holder; and
- c) resides in an area where the WA NDIS is being rolled-out from the applicable start date or meets the other categories of the qualifying residence requirements (see Appendix 1 and 2); and
- d) resides in Australia on an ongoing basis.

People who reside in a WA NDIS area and do not meet the age or residence requirements, may be eligible for supports and services from the Disability Services Commission (the Commission) (see Eligibility Policy for Specialist Disability Services Funded or Provided by the Commission).

People who are in receipt of the Commission funded or provided services at the time the WA NDIS rolls into their area, but do not meet WA NDIS age or residence requirements, will continue to be eligible for those services.

Appendix 2 provides additional information on meeting residence requirements.

8. Disability requirements

A person meets the disability requirements if:

- a) the person has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments, or to one or more impairments attributable to a psychiatric condition, and
- b) the person's impairment or impairments are, or are likely to be, permanent; and
- c) the impairment or impairments result in substantially reduced functional capacity to

undertake, or psychosocial functioning in undertaking, one or more of the following activities: communication, social interaction, learning, mobility, self-care, self-management; and

- d) the impairment or impairments affect the person's capacity for social and economic participation; and
- e) the person is likely to require support under WA NDIS for the person's lifetime.

An impairment that varies in intensity (for example because the impairment is of a chronic episodic nature) may be permanent, and the person may be likely to require support under WA NDIS for the person's lifetime, despite the variation.

Appendix 3 provides additional information on meeting disability requirements.

9. Early intervention requirements

A person meets the early intervention requirements if:

- a) the person
 - i. has one or more identified intellectual, cognitive, neurological, sensory or physical impairments that are, or are likely to be, permanent; or
 - ii. has one or more identified impairments that are attributable to a psychiatric condition and are, or are likely to be, permanent; or
 - iii. is a child who has developmental delay; and
- b) the Commission is satisfied that provision of early intervention supports for the person is likely to benefit the person by reducing the person's future needs for supports in relation to disability; and
- c) the Commission is satisfied that provision of early intervention supports for the person is likely to benefit the person by:
 - i. mitigating or alleviating the impact of the person's impairment upon the functional capacity of the person to undertake communication, social interaction, learning, mobility, self-care or self-management; or
 - ii. preventing the deterioration of such functional capacity; or
 - iii. improving such functional capacity; or
 - iv. strengthening the sustainability of informal supports available to the person, including through building the capacity of the person's carer(s) or supporter(s).

A person does not meet the early intervention requirements if the early intervention support for the person is more appropriately funded or provided through a service system other than WA NDIS.

An impairment that varies in intensity (for example because the impairment is of a chronic episodic nature) may be permanent, despite the variation.

Appendix 4 provides additional information on meeting early intervention requirements.



10. Information to assist an eligibility determination

To assist in determining if a person is eligible for supports in WA NDIS, information from the following sources may be considered:

- discussions with the person
- discussions with family members, supporters, informal carers and other people important to the person
- personal documentation such as passport, birth certificate
- reports from health and/or educational professionals
- relevant medical records
- diagnostic and functional assessments (see below).

Diagnostic assessments are undertaken by public services, such as the Department of Health, the Mental Health Commission, or private health services, as relevant. The Commission also undertakes diagnostic assessments for intellectual disability and Autism Spectrum Disorder where required.

Local Coordinators will notify people what is needed to inform assessments of functional capacity to assist with the determination of eligibility, where this is required

11. Eligibility determinations

WA NDIS eligibility determinations are made by the Area Manager, in consultation with the relevant Local Coordinator and, where necessary, informed by specialist advice from allied health professionals, the Commission's Eligibility and Access Team, the Allied Health Consultant and the Policy and Planning Directorate.

If there is insufficient information to make an eligibility determination, additional supporting information may be requested by the Area Manager or the Eligibility and Access Team to support eligibility decisions. If the additional information is not received within 28 days of being requested, and Local Coordination staff has made reasonable efforts to support the person to provide the information, then it may be considered that the eligibility determination request has been withdrawn. The Area Manager may extend this timeframe if they are satisfied that due to the person's circumstances, more than 28 days is required to enable the person to provide the additional information.

Within 21 calendar days, either a determination of a person's eligibility for WA NDIS will be made, or the Commission will request further information. Where additional information to support the determination of eligibility has been received, the determination will be made within 14 calendar days.

12. Review of eligibility

In some circumstances, a person's eligibility for WA NDIS can change and initiate a review of eligibility.

Changes affecting residence requirements

Where someone's residence status changes, such that the WA NDIS eligibility requirements are no longer met, a review of eligibility will be initiated.

Changes affecting disability requirements

A person's eligibility for WA NDIS based on meeting disability requirements assumes that support under WA NDIS will be required for the person's lifetime.

Where new information is received that indicates a substantial change in the person's personal circumstances which is likely to impact their eligibility based on disability requirements, a review of their eligibility will be initiated.

Routine reviews of eligibility based on early intervention

A person's eligibility for WA NDIS on the basis of early intervention provides the opportunity to access supports, with the intent that there will be benefit for the person by improving functional capacity and reducing the functional impact of the impairment(s).

Eligibility based on early intervention is not ongoing and eligibility will need to be reviewed against disability or early intervention requirements routinely. A date for a review of eligibility is set at the time a person is initially made eligible. In setting a date, consideration is given to the nature of the person's support needs and the likely anticipated outcomes of early intervention. In the case of a child with developmental delay, an eligibility determination is required before the child turns seven years old.

Information is collected to support the eligibility decision on whether the person continues to meet the WA NDIS early intervention or disability requirements. The eligibility decision will be made at the end of the person's current plan. Information which indicates a significant change in the impairment and/or the permanent nature of the impairment may trigger an early review of the person's plan (see WA NDIS Operational Policy – Review of Plans).

13. Change of eligibility status

A review of eligibility can change a person's eligibility status, for example, when a status changes from being eligible based on meeting early intervention requirements to meeting disability requirements.

Where the review of eligibility finds that the WA NDIS eligibility requirements are no longer met, the person's status changes to ineligible and they are no longer able to participate in the WA NDIS.

14. Exiting the WA NDIS

A person may exit the WA NDIS if they no longer:

- meet the WA NDIS eligibility requirements
- want ongoing WA NDIS services and request to exit

People that have exited the scheme can request their eligibility be tested at a future date.

15. Review and appeal of eligibility decision

Any determination of eligibility for WA NDIS is a reviewable and appealable decision. The person will be advised in writing of the eligibility decision and of the review and appeal process (see WA NDIS Operational Policy - Reviewing and Appealing WA NDIS Decisions).

16. Compliance

Compliance with this policy is mandatory.

17. Communication

This document will be published on the Commission's website and intranet, and relevant employees and other stakeholders advised of its existence.

18. Evaluation and review

This policy will be reviewed in 24 months or whenever required by a significant change to relevant policy, people, process, technology and/or information. Evaluation of the policy will take into account operational learning, feedback from stakeholders and relevant data.

19. Related documents

Disability Services Act 1993

Disability Services Regulations 2004

National Disability Insurance Scheme Act 2013

Eligibility Policy for Specialist Disability Services Funded or Provided by the Disability Services Commission

National Partnership on the Extension and Expansion of the Trial of the WA NDIS Sites

WA NDIS Operational Policies:

- Reviewing and Appealing WA NDIS Decisions
- Portability

NDIS (Becoming a Participant) Rules

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

Appendix 1

WA NDIS roll-out dates for WA

1 July 2017

- **Kimberley-Pilbara**
 - Ashburton, Broome, Derby-West Kimberley, East Pilbara, Halls Creek, Port Hedland, Wyndham-East Kimberley, Karratha.
- **South Metro**
 - Mandurah and Rockingham.
- **Existing NDIA NDIS Perth Hills**
 - Bassendean, Bayswater, Kalamunda, Mundaring, Swan, Chittering, Northam, Toodyay, York, Bassendean, Bayswater.
- **Existing WA NDIS sites**
 - Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, Nannup, Cockburn, Kwinana, Armadale, Murray, Serpentine-Jarrahdale.

1 July 2018

- **Goldfields-Esperance**
 - Coolgardie, Dundas, Esperance, Kalgoorlie-Boulder, Laverton, Leonora, Menzies, Ngaanyatjaraku, Ravensthorpe.
- **North Metro**
 - Joondalup and Wanneroo.
- **Wheatbelt**
 - Beverley, Boddington, Brookton, Bruce Rock, Corrigin, Cuballing, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Gingin, Goomalling, Kellerberrin, Kulin, Kondinin Koorda, Lake Grace, Merredin, Moora, Mount Marshall, Mukinbudin, Narembeen, Narrogin, Nungarin, Pingelly, Quairading, Tammin, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, Westonia, Wickiepin, Williams, Wongan-Ballidu, Wyalkatchem, Yilgarn.
- **South West**
 - Bunbury, Capel, Collie, Dardanup, Harvey, Waroona.
- **Central South Metro**
 - East Fremantle, Fremantle, Melville, South Perth.

1 July 2019

- **Midwest-Gascoyne**
 - Carnamah, Carnarvon, Chapman Valley, Coorow, Cue, Exmouth, Greater Geraldton, Irwin, Meekatharra, Mingenew, Morawa, Mount Magnet, Mullewa, Murchison, Northampton, Perenjori, Sandstone, Shark Bay, Three Springs, Upper Gascoyne, Wiluna, Yalgoo.

- **Great Southern**
 - Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet Woodanilling.
- **Central North Metro**
 - Cambridge, Claremont, Cottesloe, Mosman Park, Nedlands, Peppermint Grove, Perth, Stirling, Subiaco, Vincent.
- **South East Metro**
 - Belmont, Canning, Gosnells, Victoria Park.



Appendix 2

Additional information on meeting residence requirements

Ongoing residence requirement - explanatory notes

In deciding whether or not a person resides in WA NDIS, consideration should be given to:

- the nature of the accommodation used by the person
- the nature and extent of the family relationships the person has in WA
- the nature and extent of the person's employment, business or financial ties in WA
- the nature and extent of the person's assets located in WA
- the frequency and duration of the person's travel outside WA and Australia
- any other matter relevant to determining whether the person intends to remain in WA.

If a person ceases residing in a WA NDIS area, the person continues to satisfy the ongoing residence requirement for a period of 12 months (see the WA NDIS Operational Policy - Portability).

Moving into an WA NDIS site

A person may meet the residence requirements following the date the WA NDIS is rolled-out into that area if:

- the person starts to reside in the relevant WA NDIS site for the dominant purpose of accessing education, employment, health care or family supports (or any other supports not provided under the Disability Services Act 1993)
- exceptional circumstances apply—for example, the person would suffer significant financial or personal hardship, which could reasonably be expected to significantly undermine the person's wellbeing or social or economic participation, by reason of not being in WA NDIS.

Children

A child must meet the residence requirements outlined in the policy.

A child meets the residence requirement of residing in a WA NDIS area if the child is born after the start date in the trial site, and at least one of the child's birth parents who care for that child resides in the WA NDIS area on the day the child is born.

A child meets the residence requirement if the child comes to be in the care of a person who has ongoing parental responsibility for that child, and that person has resided in a WA NDIS area since the start date, and this will be the child's place of residence.

A child meets the residence requirement if the child is in the care of the Chief Executive Officer of the Department for Child Protection and Family Support and the child is placed:

1. with a general or relative carer who has resided in the WA NDIS area at the roll out

- date for the applicable trial; or
2. in a group living arrangement where the facility is located in a WA NDIS area, operated by a government or non-government service provider and the placement is intended to be permanent for the term of the order, or a significant period thereof.

In the case of a child whose parents are separated and who spends time with each parent, the child will meet residence requirements if:

- a) at least one of the child's parents meets the residence requirements

or

- b) the following apply:

- i. at least one of the child's parents started to reside in the relevant WA NDIS site for the dominant purpose of a family member accessing education, employment, health care or family support (or any other supports not provided under the Disability Services Act 1993)
- ii. exceptional circumstances apply—for example, the child would suffer significant personal hardship (including because of financial hardship to the parent), which could reasonably be expected to significantly undermine their wellbeing or social or economic participation, by reason of not being found eligible for WA NDIS.



Appendix 3

Additional information on meeting disability requirements

Disability requirements – explanatory notes

A disability attributable to impairment

Impairments of functioning are problems in body function or structures, such as significant deviation or loss. Body functions are the physiological functions of the body (including psychological) and body structures are the anatomical parts of the body such as organs, limbs and their components (World Health Organisation, International Classification of Functioning, Disability and Health, 2003).

Clinical information is generally required to determine whether a person has an impairment considered to be a significant deviation, loss or damage to body functions or structures.

When is impairment permanent, or likely to be permanent, for the disability and early intervention requirements?

An impairment is, or is likely to be, permanent only if there are no known, available and appropriate evidence-based clinical, medical or other treatments that would be likely to remedy the impairment.

An impairment may be permanent notwithstanding that the severity of its impact on the functional capacity of the person may fluctuate or there are prospects that the severity of the impact on the person's functional capacity, including their psychosocial disability, may change.

An impairment may require medical treatment and review before a determination can be made about whether the impairment is permanent or likely to be permanent. The impairment is, or is likely to be, permanent only if the impairment does not require further medical treatment or review in order for its permanency or likely permanency to be demonstrated (even though the impairment may continue to be treated and reviewed after this has been demonstrated).

If an impairment is of a degenerative nature, the impairment is, or is likely to be, permanent if medical or other treatment would not, or would be unlikely to, improve it.

When does an impairment result in substantially reduced functional capacity to undertake core life activities?

An impairment results in substantially reduced functional capacity of a person to undertake one or more of the following activities:

- Communication (understanding and being understood by others)
- Social interaction (making and keeping friends and relationships, behaving within limits accepted by others, and/or coping with feelings and emotions)

- Learning (understanding and remembering information, learning new things, practicing and using new skills and ideas)
- Mobility (moving around their home and community and/or performing other tasks involving movement, e.g. using hands and arms)
- Self-care (e.g. showering, bathing, dressing, eating, toileting and grooming; and/or special health care needs attended to by self, family members or carers)
- Self-management (planning and organising daily life and managing household personal finances)

An impairment results in substantially reduced functional capacity of a person if one of the following applies:

- the person is unable to participate effectively in the activity, or to perform tasks or actions required to undertake or participate effectively in the activity, without assistive technology, equipment (other than commonly used items such as glasses, dressing aids, walking sticks) or home modifications (other than common modifications such as hand rails at stairs, bathroom grab rails). A person is considered to be unable to undertake an activity effectively due to their impairment, if they cannot safely complete a task within an acceptable time period. The person may complete the task more slowly or in a different manner to others and still be considered to be effective in the task; or
- the person usually requires assistance (including physical assistance, guidance, supervision or prompting) from other people to participate in the activity or to perform tasks or actions required to undertake or participate in the activity normally expected to be able to be performed independently by a person of their age. That is, the need for this assistance from other people on most days is inconsistent with expectations of tasks or activities that would normally be performed independently by a person of their age; or
- the person is unable to participate in the activity or to perform tasks or actions required to undertake or participate in the activity, even with assistive technology, equipment, home modifications or assistance from another person. That is, they require complete assistance as they are not at all able to perform one or more essential daily activities or tasks appropriate to their age (e.g. a person over the age of 3 years cannot stand, use their hands or arms to perform tasks, communicate their needs in any way, and/or interact with others).

Children and assessing substantially reduced functional capacity

Where a diagnosis or the impact on functional capacity is not yet resolved in a child under six years of age, early intervention requirements may be used in preference to the disability requirement in determining whether a child is eligible for support through WA NDIS.

The person is likely to require support under WA NDIS for the person's lifetime.

This requirement is met where a person is likely to require ongoing WA NDIS supports in



order to participate effectively in core life activities over the course of their lifetime. These supports may include planning and/or reasonable and necessary funded supports and may vary in intensity over the course of the person's lifetime.

Where a person is likely to require lifetime supports, and the supports are more appropriately funded or provided by other service systems, the person may not be eligible for WA NDIS.

Eligibility is not affected when a person requires supports from other service systems in addition to their WA NDIS supports.

Where a person has impairments that are permanent, or likely to be permanent, but there is uncertainty about whether they will require WA NDIS supports for their lifetime, early intervention requirements may be considered.



Appendix 4

Additional information on early intervention requirements

Early Intervention requirements - explanatory notes

Deciding whether provision of early intervention supports is likely to benefit the person

In deciding whether provision of early intervention supports is likely to benefit the person, the Commission will consider:

- the likely trajectory and impact of the person's impairment over time
- the potential benefits of early intervention on the impact of the impairment on the person's functional capacity and in reducing their future needs for supports
- evidence from a range of sources, such as information provided by the person with disability, their family or carers. Expert opinion may also be sought.

Early intervention in early childhood (for children with developmental delay)

The provision of early intervention supports for a child under the age of six years is likely to benefit the child in the ways outlined under early intervention requirements if one or more of the child's impairments is a mental or physical impairment which, by itself or in combination with other mental or physical impairments, results in developmental delay.

Developmental delay is defined as a delay in the development of a child under six years of age that:

- a) is attributable to a mental or physical impairment or a combination of mental and physical impairments; and
- b) results in substantial reduction in functional capacity in one or more of the following areas of major life activity:
 - i. self-care
 - ii. receptive and expressive language (communication)
 - iii. cognitive development (learning and applying knowledge)
 - iv. motor development (mobility); and
- c) results in the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services that are of extended duration and are individually planned and coordinated.

Whereby:

A substantial reduction in functional capacity is a reduction of functioning in relation to one's age matched peers, rather than an individual's previous level of functioning.

A person does not meet the early intervention requirements if the early intervention support for the person is more appropriately funded or provided through another service system rather than WA NDIS.