

National Disability Insurance Scheme (NDIS)



Queensland
Foster and
Kinship Care

What is NDIS?

- ▶ [What is the NDIS?](#) - YouTube 5 mins



Contents

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What is NDIS

- ▶ The NDIS offers people who are eligible, ***reasonable and necessary*** supports, and a whole-of-life approach to the support required to follow goals and hopes and participate in daily life.
- ▶ NDIS supports may help achieve important goals, increase independence, participate in community, study, get a job and live an everyday life.
- ▶ NDIS, alongside other State departments, is dedicated to improving the lives of people with disability.

NDIS eligibility requirements

**Australian
citizen,
permanent
visa or
protected SCV
holder**

**Be aged
under
65 years**

**Early
intervention
requirements**

**Permanent
disability**

**Disability with
significant
functional
impact**

**Needs
ongoing support**

Disability requirements for children over 7

- ▶ The child must have an impairment or condition that is likely to be or is permanent (i.e. lifelong).
- ▶ The child's impairment substantially reduces their ability to participate effectively in activities, or perform tasks or actions unless they have:-
 - Assistance from others
 - Have assistive technology or equipment

<https://ourguidelines.ndis.gov.au/home/becoming-participant/applying-ndis/list-conditions-are-likely-meet-disability-requirements>

Functional capacity explained

Functional Domain	Example
Mobility and motor skills	Eg moving around the home or community, getting in and out of bed or a chair, motor skills and gross skills
Learning	Eg understanding and remembering information, learning new skills, practising and using new skills
Communication	Eg being understood in spoken, written or sign language, understanding others and expressing needs and wants by gesture and speech (age appropriate)
Self Care	Eg showering, bathing, getting dressed, eating preparing meals, caring for own health
Social Interaction	Eg making and keeping friends, interacting with peers or the wider community, coping with related feelings and emotions
Self Management	Eg doing daily jobs, making decisions, problem solving and managing money

Early Childhood Approach

ECA **does not require a disability diagnosis** to access and referrals are made directly to Early Childhood partners who provide:

- ▶ Connection to local and community supports e.g. playgroups and parent groups.
- ▶ Connection to mainstream services including health and education services
- ▶ Practical information to help understand a child's development and their needs.
- ▶ Early supports if a child is younger than 6 and has developmental concerns.
- ▶ Support to apply to the NDIS, if a child is younger than 6 and has developmental delay or disability.
- ▶ Support to apply to NDIS for children over 6 with disability

Early childhood early intervention



Reasonable and necessary supports

- ▶ NDIS funds *reasonable and necessary* supports that help a participant to reach their goals, objectives and aspirations, and to undertake activities to enable the participant's social and economic participation
- ▶ In order to be considered reasonable and necessary, a support must:
 - be related to the participant's disability
 - not include day-to-day living costs that are not related to a participant's disability support needs

Reasonable and necessary supports continue

- represent value for money
- be likely to be effective and beneficial to the participant
- take into account informal supports given to participants by families, carers, networks, and the community.
- School transport continues to be funded through the school.
- Permanent_signif_reasonable_necessary



Reasonable and necessary supports

Child protection and family support

State/placement responsibilities

- ▶ Promoting safety of children and universal parenting programs including accessibility for families with disability.
- ▶ Responsibility for meeting out-of-home care needs and supports.

Child protection and family support ... continue

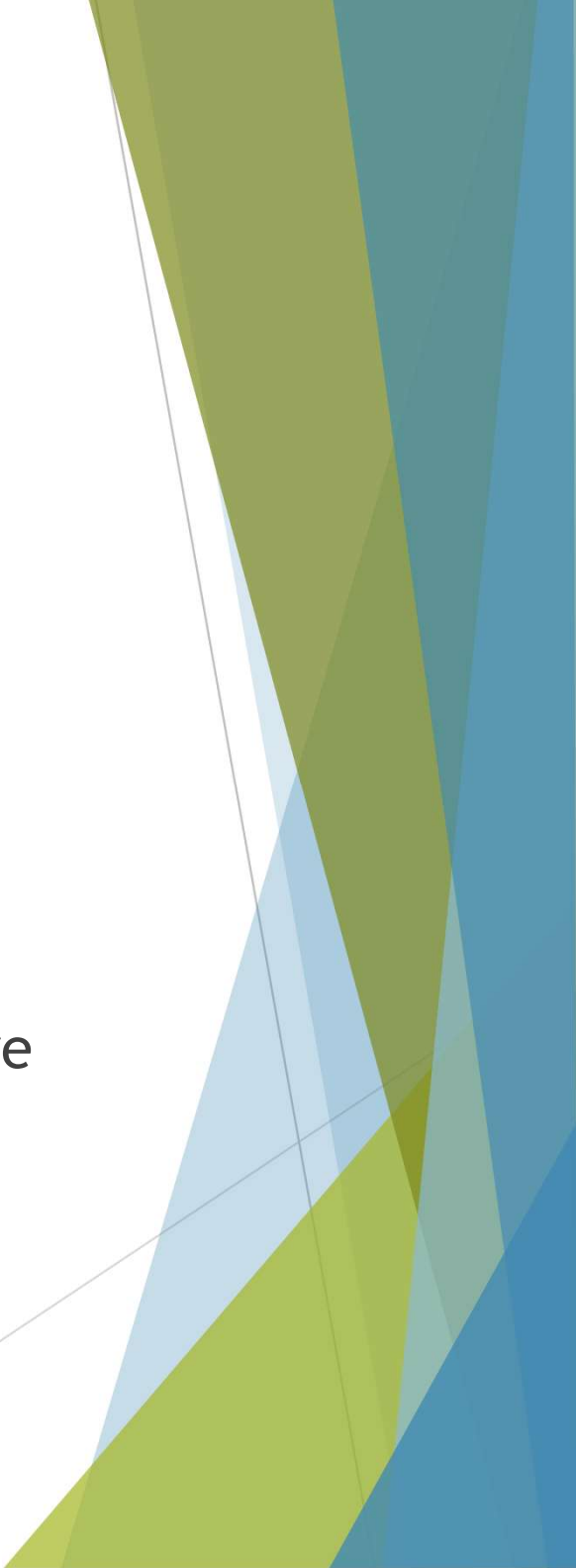
NDIS/disability responsibilities

- ▶ Fund supports that are reasonable and necessary in relation to the impact of impairment on functional capacity.
- ▶ Funded support will be for children, families and carers as a direct result of the child's or parent's disability.
- ▶ Refer to “principles to determine the responsibilities of NDIS and other service systems” accessible online

The Applied Principles and Tables of Support to
Determine Responsibilities NDIS and other services

Child protection responsibilities

- ▶ Guardianship arrangements for children who have entered the statutory child protection system
- ▶ Services that accept, assess and respond to child protection reports
- ▶ Support to arrange placements for children who need out-of-home care
- ▶ Supports to keep children's out-of-home care placements going
- ▶ Short breaks or respite for children in statutory home-based out-of-home care to support the caring arrangement, both for children with and without disability
- ▶ Supports that all children will need in out-of-home care, including both children without disability and children with disability or developmental delay
- ▶ Support for families and other people who care for children in out-of-home care, such as foster and kinship carers

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- ▶ Providing accommodation to children who need out-of-home care
 - ▶ Care allowances and payments for people providing care to children in out-of-home care
 - ▶ Support to plan and coordinate supports where there are child protection, family support or family violence issues
 - ▶ Community awareness of children's safety and wellbeing
 - ▶ Therapy supports for children in out-of-home care related to any trauma they have experienced

NDIS responsibilities

- ▶ For children in out-of-home care, NDIS are responsible for supports that are specific to the child's developmental delay or disability. This means NDIS is responsible for the extra supports children need because of their developmental delay or disability, compared to other children of a similar age and in similar out-of-home care arrangements.
- ▶ Out-of-home care arrangements are different across Australia. So the reasonable and necessary supports that are funded will depend on the jurisdiction.

NDIS examples - Child Protection

- ▶ Personal care support outside school hours, where the child needs much more support than other children the same age due to their disability
- ▶ Skill building supports, such as learning daily life skills, communication skills and social skills
- ▶ Short breaks or respite to sustain caring arrangements in statutory home-based out-of-home care - where the child and carers need this because of the child's developmental delay or disability
- ▶ In-home support for carers in statutory home-based out-of-home care, where children need this support due to their developmental delay or disability
- ▶ Home modifications when living in a long-term home in a family-like setting
- ▶ Therapy and behaviour support related to a child's disability
- ▶ Assistive technology

Respite and NDIS

What about short breaks or respite for children in statutory home-based out-of-home care?

- ▶ State and territory governments provide short breaks or respite for carers of children in statutory home-based out-of-home care. They're responsible for short breaks or respite for all children in out-of-home care, with or without disability.
- ▶ NDIS may also fund short breaks or respite for children with a disability in statutory home-based out-of-home care. If it meets the [NDIS funding criteria](#), NDIS fund short breaks or respite that children and carers need because of the child's developmental delay or disability.
- ▶ If you're eligible for both types of short breaks or respite, you can use both of them. You can also choose which type you want to use first.

Example

- ▶ Mai is 10 years old and lives in statutory home-based out-of-home care. She has been living with her foster carers for 3 years. Mai has needed more disability support in recent months, and her home-based placement is at risk of breaking down.
- ▶ The child protection system should provide supports to Mai and her foster carers to help the placement continue. This includes short breaks or respite with another foster family for one weekend a month, which gives Mai and her carers a temporary break from the usual care arrangement. The child protection system should also provide therapy supports for any trauma that Mai has experienced.
- ▶ NDIS may fund supports that Mai and her foster carers need because of the impact of her increased disability needs. This could also include short breaks or respite, if Mai needs this extra support because of her disability. NDIS may also fund additional therapy supports, behaviour supports and supports to help Mai with her communication and social skills.
- ▶ Mai and her carers can choose which funding for short breaks or respite to use first. For example, they could choose to use the short breaks or respite funded or provided by the child protection system first, then use the short breaks or respite in her plan later in the year.

Six stages

1. Request for access

2. Pre-planning and preparing

3. NDIS plan development

4. Plan implementation

5. Monitor plan

6. Review plan

NDIS and Children in Care

The Child Protection Order that the child is subject to will determine what process takes place in terms of accessing NDIS.

It is important to note that the NDIS Act, not the Child Safety Act 1999 determines who will be the decision maker for NDIS

NDIS and Child Safety orders

Custody to Child Safety

- ▶ Access Request signed from parent
- ▶ Parents will be decision makers
- ▶ Parents required to drive process
- ▶ Parents can mostly access Portal
- ▶ Note - Child Safety can assist parents via NDIA consent forms.

Guardianship to Child Safety

- ▶ Access form signed from Child Safety
- ▶ Child Safety are decision makers
- ▶ Child Safety required to drive process
- ▶ Can't access Portal

NDIS and Child Safety Orders continue

- ▶ If child is on LTG-O, the guardian will have same responsibilities and rights as any parent accessing NDIS on behalf of their child, including ability to access child's portal in most situations

Continue....

- ▶ When a parent retains guardianship and they refuse to consent to the child's access to the NDIS, the child cannot be referred. During the course of Child Safety casework, the child safety officer will continue to talk with the parent about how the NDIS will meet the child's disability care needs, and how this support will transition home to the parent when the case plan goal is reunification. This refusal should be considered within the context of whether it is in the child's best interests, if their refusal means that the child remains in need of protection, and whether the current order type is appropriate.

Child Safety Access

- ▶ CSO coordinates completion of an Access Request Form (ARF)
- ▶ Access Request Form (needs to be signed by the guardian).
- ▶ If access is met the NDIA will contact the child's guardian to set a date for the planning meeting
- ▶ If the NDIA contacts the carer directly, they should be redirected to the Child Safety Officer

Request for access

- ▶ A CSO may need to provide:
 - ▶ Birth Certificate
 - ▶ Proof of Citizenship/residency (if not born in Australia)
 - ▶ medical and functional assessments that verify the disability or early intervention criteria requirements.
 - ▶ CSO's can use the child health passports and any other information they have to provide eligibility.

Developing the NDIS plan

- ▶ After eligibility is determined, the NDIS will organise a planning meeting to create a plan for the child with the guardian and carer input and assess and discuss what it is they want the child to achieve; how goals and supports might be supported.
- ▶ Initially a plan could be the same or similar to supports and services already being received.

Pre-planning and preparing

- ▶ To inform the development of the plan, a care team approach will be taken to gather information about the child's:
 - community and mainstream supports
 - management of daily activities
 - safety
 - goals for the next 12 months and the associated reasonable and necessary supports
 - cultural support needs

It is important to shift thinking from evidencing disability to what supports are required

Pre-planning and preparing ... continue

- ▶ **Information may be gathered from the care team including:**
 - ▶ The child
 - ▶ Child Safety Officer
 - ▶ Parent/Guardian
 - ▶ Foster and/or Kinship Carer
 - ▶ Respite Carers
 - ▶ Residential Care Staff
 - ▶ Teachers and other professionals
 - ▶ Other allied health professionals (e.g. speech therapist, occupational therapist)
 - ▶ Other family/supports

Pre-planning and preparing ... continue

- ▶ Reasonable and necessary supports are funded by the NDIS in a range of areas, which may include education, employment, social participation, independence, living arrangements and health and wellbeing. These supports will help participants to:
 - pursue their goals, objectives and aspirations
 - increase their independence
 - increase social and economic participation, and
 - develop their capacity to actively take part in the community.

Resources

- ▶ Mapping my world is a great resource to assist in pre-planning
- ▶ Child Safety have also created a template for carers that can assist with pre-planning

Carers are encouraged to use these tools and consider 'worse days' so that plans are wrapped around a child in recognition of their worse days

<https://cspm.csyw.qld.gov.au/getattachment/8b6fe1e0-6a08-4cd5-b7c9-ba6d9f79b0b1/planning-preparation-guide-fillable.pdf>

Foster and Kinship care involvement

Whichever person or entity is the Child's Representative with the NDIS, foster and kinship carers are key contributors when it comes to developing, implementing and monitoring their NDIS plan. Foster and kinship carers are best placed to provide important information about the child's strengths, interests, goals and required disability supports. During development of the plan, the Child's Representative can request funding for support coordination. The support coordinator will help with choosing and connecting with mainstream, community and NDIS-registered support services. The Department is committed to a partnership approach with foster and kinship carers in relation to the NDIS and in all aspects of a child's care.

Factsheet 1 for Foster and Kinship Carers child Safety resource

What if Child Safety is not guardian?

If the child's parent is their representative and they do not invite the carer to the meeting, Child Safety will collect and provide your input

Fact sheet 2 Child Safety Resource - Planning with the National disability scheme

Funding areas

- ▶ There are three areas where funding can be allocated - Core Supports, Capital Supports and Capacity building supports
- ▶ Core Supports and Capacity building supports can be flexible however funding cannot be moved to other areas of funding i.e. If you are allocated both OT and Speech funding in Capacity building you can be flexible and increase and decrease services as necessary, but you cannot use the money for social participation which would come under Core Supports

Core Supports

A core support is an activity that helps you in your everyday life. This can include help to cook a meal or help to go to a social activity, like a sporting club. This budget is broken down into four categories, with different supports under each.

The categories are:

- ▶ Daily activities
- ▶ Social, community and civic participation
- ▶ Consumables
- ▶ Transport

Core support funding is flexible and you can have your supports across the four categories.

Capital Supports

A capital support provides funding for equipment, home or vehicle modifications or specialist disability accommodation. This can include building a ramp at your home or money for a wheelchair. The capital support categories are:

- ▶ Assistive Technologies
- ▶ Home Modifications

Capital funding is not flexible and must be used for what it is allocated for.

Capacity Building

A capacity building support is an activity that helps child learn new skills. This can include help with the child's NDIS plan.

The capacity building categories are:

- ▶ Support Coordination
- ▶ Improved Living Arrangements
- ▶ Increased Social and Community Participation
- ▶ Finding and Keeping a Job
- ▶ Improved Relationships
- ▶ Improved Health and Wellbeing
- ▶ Improved Learning
- ▶ Improved Life Choices
- ▶ Improved Daily Living Skills

Capacity building funding is flexible, but must be used in the support category

Resources

- ▶ Lets take a look at a Sample Plan

<https://youmatterpm.com.au/wp-content/uploads/sampleparticipantplan.pdf>

Internal Review of Decision

- ▶ In an internal review of a decision, NDIA will check if they made the right decision under the law by looking at your situation and disability support needs at the time of the original decision. The person reviewing the decision from NDIA will be different to the original decision maker
- ▶ You can also give NDIA any additional information when you ask for a review.
- ▶ An internal review of a decision won't consider any changes to your situation or new supports since we made our decision.
- ▶ If your situation and support needs have changed since the original decision, you can ask us to change your plan which is called a 'plan reassessment request'

External Review of Decision

- ▶ If you still don't agree with NDIA's decision after the internal review, you can ask the Administrative Appeals Tribunal to review the decision. This is called an external review.
- ▶ This guideline has information on what decisions NDIA can review, how you can ask for a review of a decision, and what happens during the review.

[Reviewing our decisions | NDIS](#)

Review NDIS plan

Three types of review:

1. Participant initiated requests for a review and the delegate agrees to the review.
2. Delegate initiated review.
3. Annual scheduled review.

If the NDIA refuses a participant initiated plan review, this can be appealed.

Plans and CSNA

- ▶ CSNA provides reimbursement to carers for the direct and indirect cost of caring for children and young people in care.
- ▶ Carers cannot receive funding from both the State and Federal government for the same thing - this is called 'double dipping'.
- ▶ Once NDIA plans are approved, CSNA will be reviewed to ensure that the CSNA level is still representative of out of pocket expenses.

Continue ...

The CSNA procedure lists the following as things that could be covered under an NDIS plan

- ▶ skills and capacity building
- ▶ community participation
- ▶ therapeutic and behaviour support
- ▶ transport costs
- ▶ equipment
- ▶ consumables
- ▶ home modifications
- ▶ supports to enable sustainable caring arrangements (such as additional respite and outside school hours care)
- ▶ disability-specific and carer parenting training programs
- ▶ coordination of NDIS supports.

Continue ...

- ▶ It should not be a matter of either or - i.e. a child could have an approved NDIS plan and the carer could still receive a CSNA level for things not covered in the NDIS plan
- ▶ Remember NDIS plan will pay for what they consider reasonable and necessary supports that are linked to the child or young person's disability. Needs that are considered placement needs will not be met through NDIS and will need to be covered by Child Safety.

NDIS plans and HSNA

- ▶ Child Safety's Fact sheets states that HSNA will not be affected by an NDIS plan so if a carer is receiving the HSNA this should continue.

Plan implementation

- ▶ First plan
- ▶ The NDIA will provide copy of the plan to the guardian.
- ▶ The CSO will engage a Support Coordinator to locate NDIS registered service providers.
- ▶ Funding will be included for a support coordinator.

Support coordination

- ▶ The support coordinator will work with the guardian to engage the plan supports and services, and develop the service agreements.
- ▶ The primary roles of a support coordinator are to:
 - Support implementation of all supports in the plan, including informal, mainstream and community, as well as funded supports.
 - Strengthen and enhance the participant's abilities to coordinate supports and participate in the community.
 - Ensure mainstream services meet their obligations.
 - Build the capacity of the participant to achieve greater independence to self-direct services and supports in the longer term.
 - Provide the NDIA with reports on outcomes and success indicators within the agreed reporting frequency.

NDIS Service Agreements

- ▶ A written agreement with the NDIS Provider(s) that sets out what supports will be provided and how it will be delivered.
- ▶ The written agreement is called a NDIS Service Agreement and is the contract to deliver those supports.

Note: NDIS Service Agreements are different from the NDIS plan which lists NDIS supports.

NDIS Service Agreements ... continue

- ▶ NDIS service agreements may include:
 - ▶ The supports provided under the NDIS plan.
 - ▶ The cost of the supports.
 - ▶ How, when and where the supports will be provided.
 - ▶ How long the supports will be provided.
 - ▶ When and how the service agreement will be reviewed.
 - ▶ How any problems or issues that may arise will be dealt with.
 - ▶ The service provider's responsibilities.
 - ▶ How the service agreement may be changed or ended.

Monitor plan

- ▶ The care team to monitor the quality of the services received.
- ▶ Ensure that the plan is still meeting the intended outcomes and continues to be relevant to the evolving needs and goals.
- ▶ Quality and safeguards through the NDIS Quality and Safeguards Commission.

NDIS participant portal

- ▶ The participant NDIS portal - known as *myplace* - is a secure website for participants, guardians and authorised persons approved by the NDIA to view NDIS Plans and manage service providers. The portal is accessed through the Australian Government's *myGov* portal.

NDIS participant portal ... continue

- ▶ At present Foster and Kinship carers cannot access the *myGov* portal as this would breach confidentiality as the portal links to other federal services such as Centrelink and Medicare.
- ▶ The only people who have authority to access the *myGov* portal are those caring for children subject to long-term guardianship - other (LTG-O) orders. A guardian can set up a *myGov* account on behalf of the child or young person if they have LTG-O.
- ▶ Child Safety also cannot access the myplace portal.

Impact on Children and Young People in Care

- ▶ Under NDIS 16-20% of children subject to intervention are likely to be eligible for NDIS
- ▶ Of those with approved plans, the most common disabilities are ASD (35%) and intellectual disability (34%)

Data as of October 2022

Child Safety Specialist Services Teams

3 specialist services clinicians per region

Specialist Services clinicians work with Child Safety Officers and other stakeholders to support the health and development of children with high and complex needs by:

1. the early identification of disability, health, mental health and behavioural support needs
2. identifying the appropriate supports required to meet those needs that are available through mainstream services, the National Disability Insurance Scheme (NDIS) or commissioning of supports as required.
3. NDIS Interface Team - team of 4 in Child Safety Central office.

NDIS Interface Team

- ▶ NDIS Interface team manage and oversee Child Safety's NDIS progress and participation. Support Child Safety staff with NDIS processes. Work to resolve Child Safety's Interface issues with the NDIS.
- ▶ Email address
NDISSupport@cyjma.qld.gov.au

And to the future....

- ▶ 2700 plans approved for children with ongoing intervention and growing
- ▶ 43% of these are expected to be for Aboriginal or Torres Strait Islander children and young people
- ▶ 828 children and counting 6 years and under have accessed the Early Childhood Intervention programs



Ability not disability



**Queensland
Foster and
Kinship Care** INC

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NB: This training is a Queensland Foster and Kinship Care tool.

Policies and Procedures do change over time.

All efforts are made to provide accurate information at time of training.