

#### The contents of this document are OFFICIAL.

# Your plan

**Quick summary:** Once we approve your plan, you can start to use your supports. If you want us to, we'll help you start using your plan, and help you connect with supports in your area. You must spend your funding according to your plan. We'll check-in with you during your plan to make sure it meets your needs and to check whether your situation has changed. You must also contact us if your situation changes during your plan. You usually can't use your plan after you're outside Australia for more than 6 weeks, or don't claim compensation you're entitled to after we ask you to.

**Note**: when we say 'your plan' we mean your NDIS plan. If you're looking for information about community connections, go to <a href="Our Guideline - Community connections">Our Guideline - Community connections</a>.

If you're looking for information about your child's early connections, go to <u>Our Guideline – Early connections</u>.

# What's on this page?

## This page covers:

- What principles do we follow to create your plan?
- What happens once your plan is approved?
- How do you start using your plan?
- What supports can you buy with your NDIS funding?
- What happens during your plan?
- When can't you use your plan?
- What if you're not happy with your plan?

#### You may also be interested in:

- Applying to the NDIS
- Creating your plan
- Changing your plan
- Reviewing our decisions



# What principles do we follow to create your plan?

The NDIS was set up as a world first approach to disability support. It puts people with disability at the centre of decision-making, through the principles of reasonable and necessary supports and individual choice and control.

As an insurance-based scheme, we take a lifetime approach to a participant's support needs. We provide assurance to people with permanent and significant disability or developmental delay, and to people who might acquire disability or developmental delay, that they will get the support they need. Individual funding means we help participants to purchase services and supports from a competitive and consumer-driven marketplace.

## What supports can we fund?

NDIS supports should complement, not replace, other supports available to you. That's why we consider:

- the things you're able to do for yourself
- support you have from others in your network, including family members, relatives, friends, local community services and mainstream government services.

One of our aims is to help maximise your independence by working with the local mainstream government and community services that help you live an ordinary life. We all do best when we're connected to our communities.

And as an active consumer, it's important you are able to shop for and access providers who meet your needs. We can help you find providers who meet your needs.

Once we've considered your circumstances, we need to follow the rules determined under the law for the NDIS in our planning decisions. We fund supports that are reasonable and necessary.

This means we will only fund a support if it meets **all** of the following criteria:

- the support is related to your disability<sup>2</sup>
- the support will help you pursue your goals and aspirations<sup>3</sup>
- the support will help you undertake activities that will increase your social and economic participation<sup>4</sup>
- the support is value for money,<sup>5</sup> which means that the costs are reasonable:
  - when compared to the benefits to be achieved, for example, whether purchasing the support is likely to reduce the cost of funding other supports in the long term<sup>6</sup>



- when compared to alternative options that may provide you with the same outcome at a similar or lower cost<sup>7</sup>
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence<sup>8</sup>
- the support is required to complement the informal supports you have available, by considering what is reasonable for families, carers, informal networks and the community to provide<sup>9</sup>
- the support is most appropriately funded or provided by the NDIS<sup>10</sup>
- the support is not more appropriately funded by another service system, agency, person, or body, such as the education system or the health system.<sup>11</sup> We can't fund a support if it's the responsibility of another service system.

## What supports don't we fund?

NDIS supports should complement, not replace, other supports available to you. That's why we consider:

- the things you're able to do for yourself
- support you have from others in your network, including family members, relatives, friends, local community services and mainstream government services.

One of our aims is to help maximise your independence by working with the local mainstream government and community services that help you live an ordinary life. We all do best when we're connected to our communities.

And as an active consumer, it's important you are able to shop for and access providers who meet your needs. We can help you find providers who meet your needs.

Once we've considered your circumstances, we need to follow the rules determined under the law for the NDIS in our planning decisions. <sup>12</sup> We fund supports that are reasonable and necessary.

This means we will only fund a support if it meets **all** of the following criteria:

- the support is related to your disability<sup>13</sup>
- the support will help you pursue your goals and aspirations<sup>14</sup>
- the support will help you undertake activities that will increase your social and economic participation<sup>15</sup>



- the support is value for money, 16 which means that the costs are reasonable:
  - when compared to the benefits to be achieved, for example, whether purchasing the support is likely to reduce the cost of funding other supports in the long term<sup>17</sup>
  - when compared to alternative options that may provide you with the same outcome at a similar or lower cost<sup>18</sup>
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence<sup>19</sup>
- the support is required to complement the informal supports you have available, by considering what is reasonable for families, carers, informal networks and the community to provide<sup>20</sup>
- the support is most appropriately funded or provided by the NDIS<sup>21</sup>
- the support is not more appropriately funded by another service system, agency, person, or body, such as the education system or the health system.<sup>22</sup> We can't fund a support if it's the responsibility of another service system.

## How do we manage the financial sustainability of the NDIS?

The NDIS is an insurance scheme, and one of our core functions is to manage the financial sustainability of the Scheme.<sup>23</sup>

When we make decisions about the supports we fund in your plan, we must also consider our need to ensure the **financial sustainability of the NDIS**.<sup>24</sup> This means we must work within our funding budget, set through agreements between the Australian, and State and Territory governments.

It's also important to know the NDIS is only one part of the broader National Disability Strategy that supports people living with disability. The overall success and sustainability of the National Disability Strategy relies on:

- people accessing their informal support network to get the help they need from dayto-day
- people using their personal income to pay for their day-to-day living expenses, as is expected of all Australians
- mainstream and community services being available from state and territory governments, and other federal government programs such as Medicare
- a fair distribution of NDIS supports to those who need them, provided within our funding budget.



Staying within our budget ensures the NDIS will be here to support generations of Australians and their families.

## What principles do we use to create your plan?

We use the following 7 principles, to create plans that help you get the reasonable and necessary supports you need, and to make sure the Scheme is financially sustainable:

- Fair for everyone, both today and for future generations
- Fair funding to pursue your goals
- Evidence-based best practice
- Fair early investments
- Fair support across service systems
- Fair supports for your disability needs
- Fair assistance from multiple programs

## Fair for everyone, both today and for future generations

While we need to consider your individual circumstances and disability needs, we also need to make consistent decisions and treat people fairly.

This means participants with similar circumstances and disability needs should receive similar amounts of supports in their plans. We also need to ensure the total cost of all participant plans are within the overall NDIS budget set by governments.

Each support in your plan must be reasonable and necessary. They also need to be reasonable and necessary as a package of supports. We approve your whole plan, not the individual supports in your plan in isolation.<sup>25</sup> Information about what supports we'd usually include in your plan helps guide this process.

This information also helps to guide the consistency of our decision-making process. We use it to check your overall plan and make sure all your supports make sense together. We'll check your support types and amounts will complement each other to help you fulfil an ordinary life.

We may then increase or decrease the funding in your plan based on:

- information you share with us
- any reports or other information we have
- applying the <u>NDIS funding criteria</u>.

This helps keep the system fair for everyone, and ensure we remain financially sustainable.

2 January 2024 Your plan Page 5 of 26



## Fair funding to pursue your goals

Goals are important.<sup>26</sup> The supports we fund need to help you maximise your independence and pursue your goals.<sup>27</sup> This means your supports should help overcome any disability-specific barriers which may be stopping you from pursuing your goals.

This doesn't mean we fund all support costs associated with you pursuing your goals. Also, you may have goals and aspirations we can't fund supports for. This is because helping you pursue your goals is only one of the NDIS funding criteria, so not all supports that help you to pursue your goals will be reasonable and necessary.

Other things to know about when setting your goals:

- Setting more goals or bigger goals doesn't mean we'll provide more funding or fund more supports. For example, if your goal is to live independently in a house with a swimming pool, we may fund home modifications that address your disabilityrelated needs. This might be a home modification to make your bathroom accessible.
  - We won't fund the swimming pool because this isn't related to your disability support needs. The funding in your plan might be similar to someone else who has a goal of 'to have a more accessible bathroom'.
- 2. Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal. For example, if your goal is to get a gym membership to get fit, we wouldn't usually fund this. Gym memberships are things that all people, with or without disability, might want or need.
- 3. Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or provide that amount of funding. For example, you may tell us your goal is 'to get a top model shower commode' and you show us the one you want costs \$4,000.
  - If there is a shower commode that costs \$3,000, and your occupational therapist confirms this one will meet your needs, we are more likely to fund this one instead because it is likely to deliver the same result at a lower cost. We may also look at alternatives.

## **Evidence-based best practice**

We only fund supports that will be, or are likely to be, effective and beneficial for you, having regard to current good practice.<sup>28</sup> This means we consider if there is evidence that the support is effective and beneficial for someone with similar disability support needs.



For example, we may already have information about whether the support is widely accepted to suit someone with your disability support needs.<sup>29</sup> The primary source of evidence we rely on, and give the greatest weight to, is evidence from sources that are reliable and widely recognised. This includes published and refereed literature, and any consensus of expert opinions. If there is no evidence to show a support is reasonable and necessary,<sup>30</sup> we won't fund the support.

You can find the types of evidence we need on <u>our website</u>, and in <u>Our Guidelines</u>.

## Fair early investments

Having access to capacity-building supports early in your NDIS journey is considered to be an early investment. This early investment is intended to help increase your independence and reduce your reliance on NDIS funding over time.

This is an important concept we consider when we create your plan, and again at future plan reassessments. When we reassess your plan, we reassess all the supports you require to meet your disability support needs at that time.

Over time, your capacity building supports may no longer be reasonable and necessary, in regard to any of the following:

- your current functional capacity
- the effectiveness of the capacity building supports<sup>31</sup>
- value for money.<sup>32</sup>

When we say functional capacity we mean the things you can and can't do for yourself.

Your overall funding amount could go down from one plan to the next. This may be because you no longer need the same type or amount of supports, such as capacity building supports. Also, if the capacity building investment has been successful at building your independence, then your need for other supports may also decrease. For example, as you develop your skills you may not need as many Core supports.

So other things being equal, you should expect your overall plan value to reduce over time as the benefits of capacity building are realised.

#### Fair support across service systems

The support you need may be the responsibility of another government service, like education or health. We don't fund these services. We need to think about the supports you should receive from these services when we determine the supports in your plan.



## Fair supports for your disability needs

When we make decisions about which supports we can fund, we consider whether a support is reasonable and necessary for you and apply the <a href="NDIS funding criteria">NDIS funding criteria</a>. Sometimes, you might ask for supports to help with impairments that were not part of your Access eligibility assessment. When this happens, we need to make sure the support will help you address the needs that arise from an impairment that meets the same eligibility requirement we consider at Access.

You don't need to make a new Access request if you ask for supports to help with an impairment which was not part of your Access eligibility assessment. We'll work out if you need the support to address an impairment which would meet our eligibility requirements. We may ask you to provide evidence to help us work this out. We will decide if the requested support is reasonable and necessary. We'll apply the NDIS funding criteria based on the impairments which meet our eligibility criteria.

We fund the right disability supports for your permanent impairments which meet our eligibility criteria. By doing this we make sure the system is fair for everyone, and the NDIS remains financially sustainable.

## Fair assistance from multiple programs

NDIS funding can't duplicate other funding or supports you may receive due to your disability.

For example, you may have received a lump-sum payment or receive regular payments as a form of compensation for an accident. Or, you may be receiving ongoing supports from another program or insurance scheme, for example Work safe, Lifetime Care and Support or the Transport Accident Commission.

We don't duplicate this funding, or these supports. We may reduce the total value of your NDIS plan to account for compensation you receive, or we may not fund certain supports.

# What happens once your plan is approved?

Once we approve your plan, you can start using it. This means you can spend your NDIS funding on the supports set out in your plan.<sup>33</sup>

We'll send you a copy of your plan within **7 days** after we approve it.<sup>34</sup> You can also find your plan in the my NDIS portal and app.

If you have a <u>nominee or child representative</u>, they'll get a copy of your plan too. If you want to, you can show your plan to another person or someone that works with you, like a health professional. This is entirely your decision. Learn more about <u>sharing your plan</u>.

2 January 2024 Your plan Page 8 of 26



You can also ask us to share your plan with other people. We can only share your plan where you ask us to. Learn more about your privacy and information.

Your plan will include the information you gave us about you, your situation and your goals. It will also include supports to help you pursue your goals.

We may include funding in your plan for supports like:

- help with everyday tasks, such as <u>personal care supports</u>
- equipment and technology, such as assistive technology, hearing supports or orthotics
- home and living supports, such as Supported Independent Living, Specialist Disability Accommodation or home modifications
- disability-related health and therapy supports or behaviour supports
- social and community participation supports, such as social and recreation supports or work and study supports
- transport.

Learn more about the <u>supports you can access</u> and how we decide which supports are <u>reasonable</u> and <u>necessary</u>.

This guideline explains how we help you use your plan, and what you can buy with your funding. For general information about how to use your plan and the my NDIS portal and app, check out our page on using your plan.

How do you start using your plan?

Once your plan is approved, we'll ask if you want to meet and talk about how to use your plan. We call this an implementation meeting. If you want to have this meeting, we'll arrange it within **28 days** after we approve your plan.

Your my NDIS contact, <u>support coordinator</u> or <u>recovery coach</u> can help you start using your plan.

For example, they can help you:

- understand your plan, and what supports you can buy with your funding
- understand what supports other government services, such as the health or education systems, can provide for you
- connect with your community and other government services
- find providers that meet your needs and will help you pursue your goals

2 January 2024 Your plan Page 9 of 26



- use the my NDIS portal and app
- make <u>service agreements</u> with your providers
- answer any questions or concerns you have
- ask for a change to your plan if something in your life changes.

An early childhood partner can also help families understand the principles of <u>Best Practice</u> in <u>Early Childhood Intervention</u>.

If you <u>self-manage</u> your funding, you'll need to give us bank account details before you can claim any funding.

# How can we help you connect with informal, community and mainstream supports?

There are many supports you can get outside the NDIS. These include:

- informal supports, such as your friends, family and other people you know in your community
- community supports, such as community groups, religious groups, sporting groups or other activities in your area
- mainstream supports, such as health, education and other government services that are available to all Australians.

These supports can often help you pursue your goals.

When you start using your plan, we'll see how we can help you connect with other supports available to you.

For example, we could help you:

- find community clubs you'd like to join, or activities you'd like to do
- talk to organisations, so they can adapt their service to meet your needs
- contact other government services, such as Medicare, childcare, job services or health providers
- explore ways you can see your family and friends more often, or make new friends, if you want to.

Learn more about these supports in our <u>reasonable and necessary supports guideline</u>, or in:

- Our Guideline Early connections for children younger than 9
- Our Guideline Community connections for people 9 and older.

2 January 2024 Your plan Page 10 of 26



## How do you find service providers?

A service provider is a person or organisation that provides your funded supports.

You often have choice and control over who provides the supports in your plan. You can usually choose where and when your supports are provided.

Some providers are registered with the NDIS Quality and Safeguards Commission. This means they meet strict conditions for the quality and safety of their services. We call them 'NDIS registered providers'. Learn more on the <a href="NDIS Quality and Safeguards Commission">NDIS Quality and Safeguards Commission</a> website.

If a provider isn't registered with the Commission, we call them an 'unregistered provider'.

You can usually choose any provider you want. You must use NDIS registered providers for some types of supports.

Your my NDIS contact, support coordinator or recovery coach can help you. We can't recommend specific providers to you. But we can let you know about the different providers in your area, to help you decide which ones you might like to use.

You can also check for providers on the internet, look at reviews, or get advice from friends or family. It's a good idea to speak with different providers before you choose one.

To search for NDIS registered providers check out our <u>provider lists</u> for each state and territory.

We don't pay for family members to provide paid supports other than in very limited situations. Learn more about this and sustaining informal supports.

## How do you agree on supports with your service provider?

Once you've chosen a provider, you'll need to contact them and agree on what supports they'll provide.

You can negotiate with your provider about what you get from your support. For example, you can agree with your provider about:

- what's included and not included in the support
- the cost of the support
- your and your provider's responsibilities
- how to change the agreement in the future if you or your provider want to
- how you and your provider will resolve any issues and disputes.

Your early childhood partner, local area coordinator, support coordinator or recovery coach can help you negotiate with service providers.

2 January 2024 Your plan Page 11 of 26



You don't need a written service agreement for all supports. But it's usually a good idea to have one and to record answers to the types of questions listed above. This way, it's clear what you and your provider agreed to. You need a written service agreement for <a href="Specialist Disability Accommodation.">Specialist Disability Accommodation.</a>35

Even though we fund the support, we're not part of the agreement. The service agreement is between you – the consumer – and your provider. This is a legal agreement that you're both responsible for.

## Do you need to tell us about your providers?

We need to record the details about providers of certain Agency-managed supports in your plan. This is so we can pay them for the supports they provide to you. Once your plan is approved, you'll need to tell us your chosen providers for these supports. We call these participant-endorsed providers. When you tell us your participant-endorsed providers, we can record their details and we can pay them for the support they have given you. Only your participant-endorsed providers can claim for these supports.

You can change your chosen providers at any time. You can <u>contact us</u> to tell us you have chosen a new provider. You will need to let your previous provider know that you no longer want them to provide supports to you.

## What happens if your agreement doesn't go the way you want it to?

You need to raise any problems directly with your provider. It's important to set out your expectations and your provider's responsibilities in your agreement.

The <u>Australian Consumer Law</u> applies to service agreements.<sup>36</sup> This law protects you as a consumer when you buy supports with your NDIS funding.

The Australian Competition and Consumer Commission (ACCC) has some <u>helpful resources</u> if you have a complaint or need advice. We also have links to other consumer resources on <u>our website</u>.

If you want to make a complaint about a provider, you can also contact the <u>NDIS Quality and Safeguards Commission</u>. The NDIS Commission can take complaints from anyone about:

- supports that weren't provided in a safe and respectful way
- supports that weren't delivered to an appropriate standard
- how an NDIS provider managed a complaint about the supports they provided to you.

## What if there are no service providers in your area for your supports?

If you're finding it difficult to find service providers in your area, talk to your my NDIS contact, support coordinator, or recovery coach. They may be able to help you find services in your area, or work out other options for your situation.

2 January 2024 Your plan Page 12 of 26

This document is correct at the date of publication.



You may be able to get some support over the phone or internet, for example therapy through <u>telehealth</u>.

# What supports can you buy with your NDIS funding?

You must spend your funding on the supports set out in your plan.<sup>37</sup>

There are things you can't spend your funding on such as items that are illegal or relate to your day-to-day living costs. Learn more about what you can't spend your funding on.

We divide your supports into 4 different budgets:

## Core supports

These supports help you with everyday activities, like help to take part in activities in the community. This budget is mostly flexible so you can use funding from one support category to pay for something in another support category.

## Capacity building supports

These supports help you build your skills and increase your independence and reduce the need for the same level of support in the future. Your progress and outcomes from these supports will be shared at each plan reassessment. Capacity building supports are stated so you won't be able to use funding from one support category to pay for something in another support category.

## Capital supports

These supports include high cost assistive technology, equipment, vehicle modifications, home modifications and specialist disability accommodation. Capital supports are stated. You can only use this funding to buy approved individual supports in this support category.

#### Recurring supports

These supports are paid by us on a regular basis, so you don't need to claim for these. Your funding for your recurring supports will be paid regularly to your nominated bank account. This funding is not included anywhere else in your budget and includes mainly transport supports.

Each budget is divided into a number of support categories. Support categories have more detail about what supports you can buy with your funding. We can describe the support categories in your plan as one of the following:

• **Flexible**: Under the law for the NDIS, this is when we describe a support generally. Most support categories are flexible so you have greater flexibility over what disability supports you can buy within the flexible support categories.<sup>38</sup> When we describe your

2 January 2024 Your plan Page 13 of 26



support categories as flexible, you can usually choose what supports you buy within the descriptions for each support category.

• **Stated**: Under the law for the NDIS, this is when we describe the supports in the support category specifically. It means you must buy supports in the way we have described in your plan.<sup>39</sup> We'll be clear when we describe a support category as stated in your plan.

We describe most support categories as flexible when we can. You have greater flexibility over the support you can buy in your flexible budgets. When support categories are described as stated, you have less flexibility. When we describe supports as stated, you must use the funding in your plan to buy the supports exactly how we describe them.

Some stated budgets are more specific than others. More specific budgets have less items you can spend your funding on.

For example, we could say in your plan 'meal preparation should be limited to \$200 per month' or 'this funding can be used for physiotherapy'.

If you're not sure how we described the supports in your plan, ask your my NDIS Contact, support coordinator or recovery coach.

Most budgets are flexible, which means you can choose what supports you buy within the descriptions for each support category.

Your Core supports budget is the most flexible. You can usually use your funding across all the support categories in the Core supports budget if:

- we described the supports as flexible
- you have the same plan management options for your core supports.

# When do you need to use NDIS registered providers?

If your funding for supports is Agency-managed, you can only use 'NDIS registered providers' for those supports. 40 NDIS registered providers meet strict conditions for the quality and safety of their services. Learn more on the NDIS Quality and Safeguards Commission website.

Some supports can only be provided by NDIS registered providers. These include:

- <u>Specialist Behaviour Supports</u>, if the provider will undertake a behaviour support assessment or develop a behaviour support plan<sup>41</sup>
- any support that will likely involve a <u>regulated restricted practice</u>,<sup>42</sup> either on an interim or ongoing basis
- Plan Management<sup>43</sup>

2 January 2024 Your plan Page 14 of 26



Specialist Disability Accommodation.<sup>44</sup>

You must use NDIS registered providers for these supports, even if your plan doesn't say you need to. You must also use NDIS registered providers for these supports if your funding is self-managed or if you use a registered plan manager.

## How much will we pay for each support?

There may be a limit on how much you or your providers can claim for different types of supports. When we say claim, we mean asking for payment from the funding in your plan after you receive a support.

We set out these price limits in the NDIS Pricing Arrangements and Price Limits.

We update the <u>NDIS Pricing Arrangements and Price Limits</u> often to account for price changes, such as staff wage increases. We may change the amount of funding in your plan if the prices for your supports change.

The amount of funding you can claim depends on how you manage the funding in your plan. There are different ways to manage your funding. If your funding is:

- Agency-managed: NDIS registered providers can claim up to the maximum price in the NDIS Pricing Arrangements and Price Limits for each support.
- Managed by a registered plan manager: They can claim up to the maximum price in the NDIS Pricing Arrangements and Price Limits for each support.
- **Self-managed**: You can choose how much to pay for each support and you can pay more than the maximum price in the NDIS Pricing Arrangements and Price Limits.
- You, or the person managing your plan need to make sure there's enough funds in your plan to pay for supports. You also need to check your funding will last for the whole length of your plan and make sure claim details are correct.

Learn more about How to claim from my plan.

If you have self-managed transport funding in your plan, we will pay this as recurring support funding in regular instalments to your nominated bank account.<sup>45</sup> This means you don't need to claim each time you use your transport supports.

You can always claim less than the prices in the <u>NDIS Pricing Arrangements and Price</u> <u>Limits</u> – it doesn't matter how your funding is managed. For example, your provider may charge lower rates, which often means you can get more support from your funding.

If a support isn't in the <u>NDIS Pricing Arrangements and Price Limits</u>, you'll need to agree on a price with the provider.

2 January 2024 Your plan Page 15 of 26



## **Example 1**

Omar self-manages his funding. His health and well-being budget includes funding for therapy. Omar finds a therapist who is very experienced with his complex disability support needs. The therapist's rates are higher than the <a href="NDIS Pricing Arrangements and Price">NDIS Pricing Arrangements and Price</a> Limits.

Omar decides he wants to use this therapist, even though it means he will not be able to buy as many hours of support at this higher rate. Omar can do this because he self-manages his funding. Omar thinks he'll get a much better service, even with fewer hours.

## Example 2

Kristy uses her increased social and community participation budget to buy 4 hours of support each week to go to cricket matches on the weekend.

She finds a provider who charges less than the rates in the <u>NDIS Pricing Arrangements and Price Limits</u>, and decides to switch to the new provider.

After a couple of months, she's now saved some extra funding by using this provider. As well as the 4 hours per week for cricket matches, she decides to use the extra funding on support to join her friends at the pub every few weeks.

## When do you need an assessment or quote before buying supports?

Sometimes we decide you need a quote before you can claim the funding in your plan. This helps us ensure the support is <u>value for money</u>, which is one of the NDIS funding criteria.

In these situations, you'll need to give us at least one quote before we make the funding available in your plan.

We may do this for supports like:

- high cost assistive technology
- complex home modifications

For some supports, the funding is available but you need to get an assessment before you buy the support. We may do this for high cost assistive technology, complex home modifications, or supports with more risk. We'll let you know in your plan if you need to get an assessment before buying a support.

## What if you self-manage your funding?

You can choose how much to pay for each support as long as you don't spend more than the total funding for the support in your plan. This means you can claim more than the NDIS price limits. You should use the price limits to ensure you're getting the best value from your providers.

2 January 2024 Your plan Page 16 of 26



There are some things you need to do if you self-manage your funding. For example, you need to keep receipts of your purchases for 5 years. You'll also need to be able to show how you've used your funding if we ask you.

Learn more about self-managing.

## What happens if you buy supports that aren't in your plan?

The funding in your plan must be spent on the supports described in each support budget in your plan.<sup>46</sup> We'll explain the types of supports included in each budget in your plan, so you know how to use your NDIS funding.

Sometimes things can go wrong, or you find something's not right. This can include things like not getting the support you agreed to or providers claiming more than you agreed to.

We understand most people try to do the right thing, but sometimes make mistakes. We want to help you to do the right thing when you claim from your plan.

If you think your registered plan manager or provider has made a mistake with a claim, contact them as soon as you can. If you don't feel okay talking to your registered plan manager or provider, talk to someone you trust. They may be able to support you to resolve your concern. If you can't resolve the issue, you can contact us.

If we think there's a problem with how your plan is being used, we may need to investigate it. For example, we may check what supports have been bought with your funding or ask for evidence such as a receipt.

If you spend funding on supports that aren't set out in your plan, you'll owe us a debt.<sup>47</sup> This means we'll need to be repaid the amount of money spent on supports that weren't in your plan.

Remember, NDIS funding is for disability-related supports only. It's not intended to be a source of general income, or to be used for day-to-day living costs like rent.

If you think someone might be doing the wrong thing or committing fraud, you should report it. Fraud might include:

- charging for supports you didn't get
- charging for more support than you get.

The best way to report suspected fraud is to call the NDIS Fraud Reporting Hotline on 1800 650 717.

You can find out more about <u>fraud</u> on our website.



# What happens during your plan?

Your plan will continue until it's replaced by another plan or you leave the NDIS.48

You can ask your my NDIS contact, support coordinator, recovery coach, or <u>contact us</u> at any time if you have questions about your plan.

It's a good idea to monitor your funding on the <u>my NDIS portal and app</u>. This can help you make sure you're using the right amount of supports in your plan. You can also keep track that you or your providers are claiming the right amount of funding for your agreed supports.

We also monitor your plan to check if there are any issues. If something doesn't seem right, we may contact you to see if there's anything we can help with.

We may also need to contact service providers or others assisting with your plan. If so, we'll only do this with your consent.

If you have a support coordinator or recovery coach, they usually need to send us reports during your plan. The reports let us know if your plan is working well for you, or if you need any changes to your plan.

For children younger than 9, we have an <u>Early childhood provider report</u> form to help providers tell us about the supports the child has been given.

## How will we check-in with you during your plan?

We'll check-in with you during your plan to see how you're going. We'll ask if the supports in your plan are meeting your needs. We also do check-ins to see if you're having any problems using your plan.

We may check-in with you:

- at regular intervals, for example each year
- before the 'plan reassessment date' shown in your plan
- if we think your plan might not be working for you
- if you would like help to use the supports in your plan.

For example, we may check-in with you if you're using too much or too little of your funding.

During a check-in, your my NDIS contact will contact you to discuss your plan. This could be your early childhood partner, local area coordinator or planner.

#### We'll ask:

- how you're going
- if you have any questions about your current plan

2 January 2024 Your plan Page 18 of 26



- how you're going with your goals
- if you have any new goals, or want to change your goals
- how you're using local services in the community or other government services
- how you're using your funded supports in your plan
- how your supports are helping you pursue your goals
- if your supports meet your disability needs
- if your situation has changed
- if you need help with big changes coming up in your life, like starting or finishing school or starting a new job.

## Will we change your plan after a check-in?

If the check-in shows your plan is working well for you, we usually won't need to make any changes to your plan. Your plan will continue. We'll touch base at your next check-in to see if your plan still meets your needs.

If the check-in shows your plan doesn't meet your needs, we may need to change your plan. This means you could have a minor change included in your current plan, or we might need to reassess your current plan and replace it with a new one.

There's also a date we need to do a plan reassessment, even if you don't need any changes to your plan.<sup>49</sup> This is shown on your plan as the 'NDIS plan reassessment due date'.

We'll check-in with you and create your new plan before this date. If your plan is working well for you and your supports still meet the <u>NDIS funding criteria</u>, we could give you a new plan with the same supports. Your new plan might also have less supports if there are some you no longer need. Or you might need a plan with more support.

We'll make this decision based on your support needs, the principles we follow to create your plan and the <u>NDIS funding criteria</u>.

We'll check each support is reasonable and necessary individually, as well as when considered as a package.

Learn more about changing your plan.

#### Example 1

Kath is 3 months into her first plan, but she hasn't used any funding yet. Kath's local area coordinator calls her and asks if we can help her in any way.



Kath is self-managing her funding, and has been using her supports. But she's not too sure how to claim the funding through the my NDIS portal and app. Kath's local area coordinator teaches her the process step-by-step.

Kath's plan will continue, as she doesn't need any changes to her supports.

## Example 2

Artem is 18 months into his plan. His planner notices Artem has been using a lot more funding in the past month.

Artem's planner contacts him to check if there are any issues. Artem tells his planner how his parents suddenly became sick, so he's had to use more paid supports for the past month. His parents probably won't be able to support him for some time.

Artem and his planner discuss his situation. Artem's planner decides Artem needs a new plan with different supports. Artem's current plan doesn't meet his needs due to his change in circumstances.

Artem's planner explores the changes Artem needs in his plan. His planner will let Artem know the evidence we'll need to support the changes and how to give us this information. We'll then work with Artem to approve a new plan with different supports for his new situation.

## What if your situation changes during your plan?

You must let us know if something happens or your situation changes, if it might affect:50

- your plan
- whether you're still eligible for the NDIS.

You must also let us know if it's likely one of these changes will happen in the future.<sup>51</sup> This could include changes like if:

- there are significant changes in the support your family and friends provide
- your condition improves or gets worse, meaning you need more or less support
- you're starting a new job and need new or different support at work
- you're going overseas for a long period of time or you're moving overseas
- you're moving out of aged care or other residential accommodation, and you need different support in your new home
- you receive or claim compensation for an accident or illness related to your disability.



These changes don't always mean you'll need a change to your plan. But you must still let us know about these changes as soon as you reasonably can, after you know about them.<sup>52</sup>

We have a <u>form you can complete</u>, or you can let us know during your check-in, in person or over the phone.

You should also let us know if you change your contact details, such as your phone number, email or your home or postal address.

## What if your new situation means your plan no longer meets your needs?

Sometimes your plan may no longer meet your needs, after something happens or your situation changes.

For example, you may need to replace assistive technology if it starts breaking down. Or, you may need paid personal care supports if your usual informal carers can't support you anymore.

If so, you can ask us to change your plan.

Learn more about asking to change your plan.

# When can't you use your plan?

Sometimes we may need to suspend your plan. This means your plan will continue, but you won't be able to use your supports for a period of time.<sup>53</sup>

We'll suspend your plan after:

- you're outside Australia for more than 6 weeks, unless we give you more time<sup>54</sup>
- <u>you don't claim compensation</u> you're entitled to after we ask you to, for example after you've sustained an injury.<sup>55</sup>

We'll let you know if we're going to suspend your plan.

If you go overseas, you can still use your supports and funding for up to 6 weeks (or longer if we give you more time). We call this a 'grace period'.

You'll probably need to have your funding self-managed or plan-managed if you need to use your funding overseas. This is because your NDIS registered providers usually don't support people in other countries. You'll also need to claim your funding in Australian dollars.

If you need to change your plan management while you're overseas, let us know and we can change your plan.



## What happens if we suspend your plan?

We can't pay any funding for NDIS supports while your plan is suspended.<sup>56</sup> Your service providers also won't be able to claim for services provided to you.

You can't ask for a change to your plan while your plan is suspended.<sup>57</sup>

An early childhood partner or local area coordinator also doesn't need to help you connect to other services while your plan is suspended. But we can still do this if we think it's appropriate.<sup>58</sup>

When we suspend your plan, we'll send you a new plan that shows your funding is suspended. This plan will have no funded supports.

If we suspend your plan while you're overseas, we'll create a new plan once you return to Australia.<sup>59</sup> This means you can start using it again.

And if we suspend your plan because you haven't claimed compensation, we'll also create a new plan once you take action to claim it.<sup>60</sup>

## What if you don't agree with your plan suspension?

If we decide not to extend the grace period to use your funding overseas and you don't agree, you can ask for an internal review.<sup>61</sup> You'll need to ask for an internal review within **3 months** after we decide not to extend the grace period.<sup>62</sup>

You can't ask for an internal review if we suspend your plan because you haven't claimed compensation.

Learn more about internal reviews.

## When can you use your plan outside Australia for more than 6 weeks?

In some situations, we can give you a longer grace period. If you think you'll be outside Australia for more than 6 weeks and need to use your funding, <u>contact us</u>. We'll let you know whether we'll extend the grace period.

If you know you'll be overseas for more than 6 weeks, it's a good idea to contact us before you leave Australia. Let us know:

- how long you think you'll be overseas
- why you're going overseas
- what supports you need when you're overseas
- why you need NDIS funding for your supports.

There are some things we need to consider for everyone who will be outside Australia for more than 6 weeks. This includes if you're on an extended holiday for more than 6 weeks.<sup>63</sup>

2 January 2024 Your plan Page 22 of 26

This document is correct at the date of publication.



When we decide if we'll extend the grace period, and for how long, we consider:64

- how long you'll be outside Australia
- what supports you're receiving through your plan
- if you can still get supports while you're outside Australia, and if we can help you find these supports
- if we can keep in touch with you while you're outside Australia
- if we previously decided to extend the grace period
- if denying your request would cause you 'undue hardship' that is, it would make your situation overseas much more difficult, to a level that's not fair or reasonable.

## In what specific situations will we usually extend the grace period?

We'll usually extend the grace period if you'll be overseas for:65

- humanitarian reasons, such as foreign aid
- one of the reasons below.

When we decide if we'll extend the grace period, and for how long, we consider different things depending on the reason you'll be overseas.

If the reasons below apply to a 'family member', this usually means a:

- husband or wife
- ex-husband or ex-wife
- de facto partner or former de facto partner
- child, parent, grandparent, grandchild or sibling
- child, parent, grandparent, grandchild or sibling of a spouse or de facto partner
- step-relative, such as stepparents and stepchildren
- adopted immediate family member.

#### If you're studying overseas or doing an exchange study program

We consider how long the course goes for.<sup>66</sup> The overseas study needs to be either:<sup>67</sup>

- part of a course you're doing in an Australian high school, TAFE or other training, or university
- part of a recognised program of international exchanges, such as an exchange semester during university.

2 January 2024 Your plan Page 23 of 26



## If you or a family member need to work overseas for a short period

We consider how long you or a family member need to work overseas.<sup>68</sup>

If you or a family member are in the Army, Navy or Air Force Reserve forces

We consider how long you or a family member need to be deployed overseas.<sup>69</sup>

## If you need medical treatment or therapy that's not available in Australia

We consider how long your treatment will take. We also allow a reasonable period of time for you to recover after your treatment or therapy.<sup>70</sup>

## If you can't come back to Australia for a reason you can't control

We consider how much time is reasonable to allow you to return to Australia.<sup>71</sup>

Some of the reasons you can't control while you're overseas include if you or a family member:<sup>72</sup>

- are involved in a serious accident
- become seriously ill
- are hospitalised
- are the victim of a serious crime
- are a party to custody proceedings
- need to stay overseas because of criminal proceedings, for example if you're involved or are a witness in a criminal trial.

Or there might be a situation that affects everyone in the area, including:

- war, industrial action, or social or political unrest you're not willingly participating in <sup>73</sup>
- natural disasters, such as earthquakes, bushfires, floods or cyclones<sup>74</sup>
- border restrictions you can't control, for example due to travel advice or a pandemic.

# What if you're not happy with your plan?

If you're not happy with your current plan, you should talk to your my NDIS contact, support coordinator, or recovery coach.

They may be able to explain the decision, clarify how you can use the funding, or help you fix any problems. It's a good idea to do this soon after you get your plan.

We can also give you written reasons on why we made the decision. <u>Contact us</u> if you'd like reasons for our decision.

2 January 2024 Your plan Page 24 of 26



If you don't agree with our decision to approve your plan, you can ask for an internal review.

Having an internal review means someone who wasn't involved in creating your plan will review our decision to approve your plan. They'll consider if we made the right decision under the laws for the NDIS.

Once you get your plan, you have 3 months to ask for an internal review.<sup>75</sup>

Learn more about <u>reviewing our decisions</u>.

## Reference list

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<sup>1</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants)
Rules and NDIS (Plan Management) Rules.
<sup>2</sup> NDIS (Supports for Participants) Rules r 5.1(b).
<sup>3</sup> NDIS Act s34(1)(a).
<sup>4</sup> NDIS Act s34(1)(b).
<sup>5</sup> NDIS Act s34(1)(c).
<sup>6</sup> NDIS (Supports for Participants) Rules r 3.1(c).
<sup>7</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a).
<sup>8</sup> NDIS Act s34(1)(d).
<sup>9</sup> NDIS Act s34(1)(e).
<sup>10</sup> NDIS Act s34(1)(f).
<sup>11</sup> NDIS Act s34(1)(f).
<sup>12</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants)
Rules and NDIS (Plan Management) Rules.
<sup>13</sup> NDIS (Supports for Participants) Rules r 5.1(b).
<sup>14</sup> NDIS Act s34(1)(a).
<sup>15</sup> NDIS Act s34(1)(b).
<sup>16</sup> NDIS Act s34(1)(c).
<sup>17</sup> NDIS (Supports for Participants) Rules r 3.1(c).
<sup>18</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a).
<sup>19</sup> NDIS Act s34(1)(d).
<sup>20</sup> NDIS Act s34(1)(e).
<sup>21</sup> NDIS Act s34(1)(f).
<sup>22</sup> NDIS Act s34(1)(f).
<sup>23</sup> NDIS Act s118(1)(b).
<sup>24</sup> NDIS Act s4(17)
<sup>25</sup> NDIS Act s33(2).
<sup>26</sup> NDIS Act s33(5)(a).
<sup>27</sup> NDIS Act s34(1)(a).
<sup>28</sup> NDIS Act s34(1)(d).
<sup>29</sup> NDIS (Supports for Participants) Rules r 4.1(d).
<sup>30</sup> NDIS Act s34(1).
<sup>31</sup> NDIS Act s34(1)(d); NDIS (Supports for Participants) Rules, r 3.2-3.3.
<sup>32</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1.
<sup>33</sup> NDIS Act s 46(1).
34 NDIS Act s 38.
35 NDIS (SDA) Rules r 36.
<sup>36</sup> Competition and Consumer Act Sch 2.
<sup>37</sup> NDIS Act s 46(1).
<sup>38</sup> NDIS Act s 33(3); NDIS (Plan Management) Rules r 6.2.
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<sup>39</sup> NDIS Act s 33(3); (NDIS (Plan Management) Rules r 6.3.
<sup>40</sup> NDIS Act s 33(6).
<sup>41</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(3).
<sup>42</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(2).
<sup>43</sup> NDIS Act s 42(2)(b).
<sup>44</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(1).
<sup>45</sup> NDIS (Plan Management) Rules r 4.3(b).
<sup>46</sup> NDIS Act s 46(1).
<sup>47</sup> NDIS Act s 182(3).
<sup>48</sup> NDIS Act s 37(3).
<sup>49</sup> NDIS Act s 33(2)(c).
<sup>50</sup> NDIS Act s 51(1)(a).
<sup>51</sup> NDIS Act s 51(1)(b).
<sup>52</sup> NDIS Act s 51(2).
<sup>53</sup> NDIS Act s 41(2)(a).
<sup>54</sup> NDIS Act ss 40(2)-(3), 41(1)(a).
<sup>55</sup> NDIS Act ss 41(1)(b), 105(2)(a).
<sup>56</sup> NDIS Act s 41(2)(a).
<sup>57</sup> NDIS Act s 41(2)(c).
<sup>58</sup> NDIS Act s 41(2)(b).
<sup>59</sup> NDIS Act s 40(3).
60 NDIS Act s 105(2)(a).
<sup>61</sup> NDIS Act ss 40(2)(b), 99(1) item 5.
<sup>62</sup> NDIS Act s 100(2).
<sup>63</sup> NDIS (Plan Management) Rules r 5.7.
<sup>64</sup> NDIS (Plan Management) Rules r 5.8.
<sup>65</sup> NDIS (Plan Management) Rules r 5.6.
<sup>66</sup> NDIS (Plan Management) Rules r 5.9.
<sup>67</sup> NDIS (Plan Management) Rules r 5.9.
<sup>68</sup> NDIS (Plan Management) Rules r 5.10.
<sup>69</sup> NDIS (Plan Management) Rules rr 5.11-5.13.
<sup>70</sup> NDIS (Plan Management) Rules r 5.14.
<sup>71</sup> NDIS (Plan Management) Rules r 5.15.
<sup>72</sup> NDIS (Plan Management) Rules r 5.16(a).
<sup>73</sup> NDIS (Plan Management) Rules r 5.16(b).
<sup>74</sup> NDIS (Plan Management) Rules r 5.16(c).
<sup>75</sup> NDIS Act s 100(2).
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