

NDIS Plan Review Toolkit

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Annual Review

At the end of every plan, you will go through an annual review process with the NDIA or your Local Area Coordinator - where you will measure your progress against your goals, explore new goals and identify any life changes.

The review will be similar to your first planning meeting.

You will meet with a reviewer to discuss your last plan and any changes that are required in your next plan. The NDIA will initiate contact with you to organise a review date. However, if you have not received any contact at least one month prior to the end of your current plan, you should contact the NDIA to ensure a meeting is scheduled.

Top Tips

1. You are welcome to bring a family member, support person or advocate to your review. Alternatively, you may be able to have your support coordinator help you prepare, if you have one.
2. Own your plan – it’s your life! Your interests and aspirations should be reflected in your plan and should guide every review. (No-one else’s!)
3. State the obvious, spell it out, communicate clearly – don’t assume the person will automatically understand what life is like with a disability and what you personally will need.
4. Know the process and know your rights - educate yourself so that you’re not relying on the reviewer’s knowledge.
5. Be assertive! Being assertive isn’t always easy, especially in these situations. However, being prepared and writing things down in advance can go a long way to help.
6. Sit next to the reviewer so you can see what is being written and to ensure that the information recorded is being interpreted correctly.

Reviewing Past Goals

This is your opportunity to discuss your goals from your last plan. When reviewing past goals, you will need to discuss any progress, whether a goal has been achieved, partially achieved or is an ongoing goal. While the NDIS uses a goals-oriented framework to organise what supports a person might need, sometimes this is difficult to apply to supports which are necessary for everyday living on a permanent basis.

These will be about ongoing maintenance, whilst you might also have other capacity building goals that are about increasing your skills, confidence and independence to engage in a task or activity.

For ongoing goals which require supports to maintain the goal, consider these questions;

- ✓ Are my needs the same? What has changed?
- ✓ Were the supports provided in my plan sufficient to meet these needs?
- ✓ If not, what will be sufficient? Think about hours or quantity of support that you needed over the last 12 months
- ✓ If yes, confirm with the reviewer that you will require the same supports
- ✓ If not, ensure you can address why not, and what is needed in the new plan

For capacity building goals:

- ✓ Determine what progress has been made in achieving your goals
- ✓ What were the barriers to progress e.g. lack of funds, services, illness, wrong supports etc.
- ✓ What were the timeframes set for goals and do they need to be adjusted? Will you need more time and therefore more funds for supports?

The NDIA likes to see outcomes at your review. This just means that they want to know what results have come from using your chosen supports. This will be important in showing progress, the value of a support and in justifying its continued use in the next plan. The NDIA does not want to fund supports that have real no value or purpose – therefore explain the purpose of the support in achieving a goal and emphasise the importance and value of the support.

Tip: Don't assume that the reviewer will already know this. Remember that the value of a support will be different for everyone - prove its usefulness to YOU and show how and why it works.

Showing Results:

- ✓ Specialists/therapists reports or assessments showing progress and explaining how this will be valuable to continue.
- ✓ Using informal evidence like photos of progress or successes
- ✓ Support letters
- ✓ Anything you can think of!

Reviewing Strategies and Supports

What if a therapy or support isn't showing any value in achieving a goal? Do some brainstorming around what else might work – be creative, think outside the box, talk to other participants and see what they are doing with similar goals (e.g. peer support groups, online forums and groups) Click on the links below for more about peer support groups <https://www.pdcnsw.org.au/projects/peer-support-groups/> or <https://www.peerconnect.org.au/>

Some things to consider:

1. Do I need to adjust or change the goal? Is it realistic?
2. Are the service providers, workers, or other supports on board with the goal?
3. Is the quality of the support/service provision impacting progress?
4. Can I use a different method or strategy that's perhaps not the obvious route?
5. What does the latest research say?
6. Am I doing endless therapy with no real results?

Reviewing the Budget

As part of reviewing your goals and supports, the reviewer will also have a look at the funds spent and unspent in your budget.

It is important to already have an idea of what the budget looks like in your participant portal. However, sometimes the portal budget does not accurately reflect what has been spent and not spent in real time.

There are many reasons for this, however the most common is that your providers simply haven't claimed for services provided. They may have a delay or backlog in their claiming and invoicing system, meaning that what the reviewer sees on the Portal might not be what has happened in real time, or reflect the total expenditure.

Tip: A good way to overcome this problem is by keeping your own detailed records of supports used and funds spent and take this with you if you anticipate any issues.

Under Spending:

What happens if I have not spent all the funds in my plan by the end of the year?

If you have good reasons why the funds were not spent and can show that you will still need those funds in the next plan, this should not present any issues. However, you need to clearly communicate this.

Some common reasons:

- Lack of services in my area
- Waiting lists to access a service
- Illness or crisis
- Extended stay in hospital
- It took time to understand how to use my plan and what supports I could access
- I had to wait till I had a Support Coordinator to action my plan
- I needed culturally and linguistically diverse friendly services or interpreters and this took time
- Extra funds were leftover as a buffer for emergencies but were not used (e.g. short term accommodation)

Exceeding the Budget:

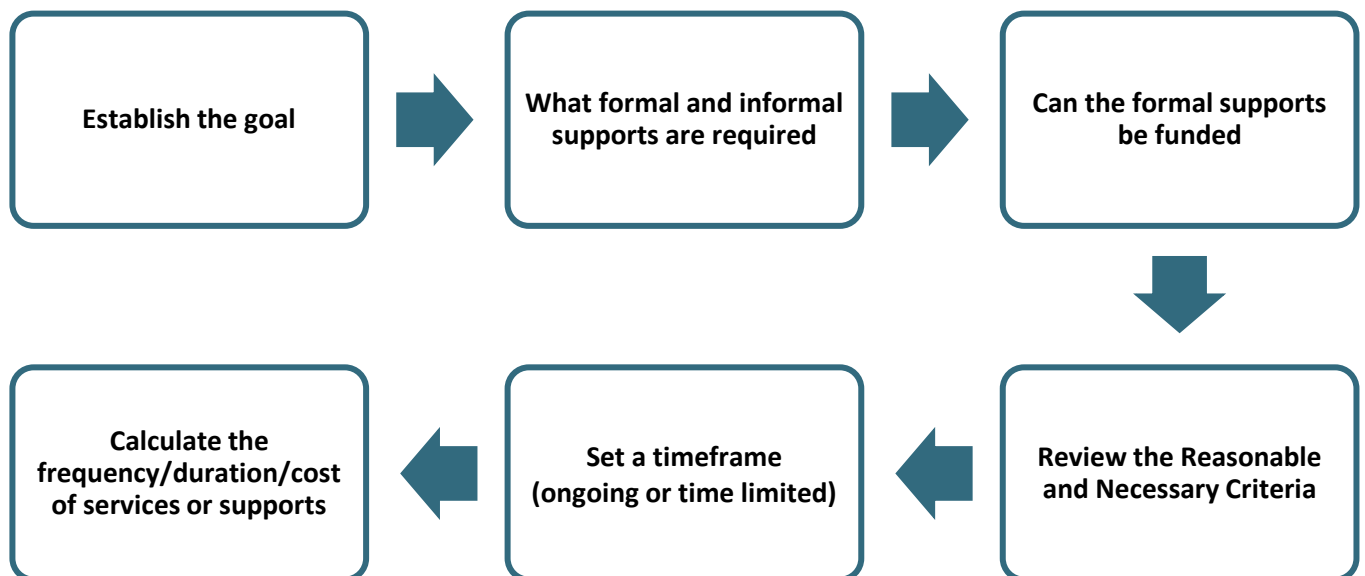
Perhaps you did not have enough funds allocated to cover all the necessary supports in your plan. A good way to ensure that this is well communicated and understood is to do your own calculations, including how many hours, sessions and frequency of support is required.

For assistive technologies and modifications think ahead about repairs, maintenance, replacements, assessments and quotes which will all need to be built into the plan. It's important to express the impact that the lack of funds has had or would have on your daily life or ability to achieve your goals.

Making New Goals?

While you would have already gone through the process of setting goals in the initial pre-planning stage prior to your first planning meeting, you may be transitioning to a different stage in your life or be ready to work on some new goals. Whatever the goal is, it should be around creating a good life, including increasing your economic, social and community participation and independence.

Tip: Keep your goal relatively broad so that you have room to include lots of diverse supports and adjust things when necessary.



The NDIA use the *Reasonable and Necessary Criteria* to decide what supports can and cannot be funded. The criteria will apply differently to everyone depending on their individual circumstances, so it's important to be familiar with the criteria yourself so that you can effectively justify your supports.

The Reasonable and Necessary Criteria is found in the NDIS Act 2013, Section 34, however below is a summarised version of the criteria.

Reasonable and Necessary Criteria

- ✓ The support is related to my disability
- ✓ The support helps me to achieve the goal/s in my plan
- ✓ The support helps me to participate in social and economic activities
- ✓ The support is cost effective compared to other options and represents good value for money
- ✓ The support is likely to be beneficial according to current good practice
- ✓ The support is not something that families, informal networks or the community would be reasonably expected to provide
- ✓ The support isn't already provided by other Government agencies or services

Case Study:

Joel is a 22-year-old man who lives at home with his mum and brother.

Joel has autism and is an NDIS participant.

One of his goals is to participate more in social activities and make new friends. In order to achieve this goal, Joel would like to start going to places where he can meet people such as concerts, bars, trivia nights, comedy shows and local music gigs. Joel wants to have a support person to go with him and help him to interact with people.

Applying the Reasonable and Necessary Criteria

Goal: To independently participate in social activities and make new friends.

Funded Support: Person to accompany Joel on outings and assist with social interactions.

Not funded: Entry tickets, travel (Joel does not need assistance with travel), food and drinks, support person's tickets (can use a companion card instead) etc.

Reasonable and Necessary Criteria	Justification (for Joel's individual situation)
<p>Related to my disability? (Would I need this support if I didn't have the disability?)</p>	<p>Yes – The impact of Joel's disability means that understanding and engaging in new social interactions is very difficult to navigate.</p>
<p>Helps me to achieve my goal? (Could I achieve this goal without the support?)</p>	<p>Yes – This support is essential to achieving the goal.</p>
<p>Helps me to participate in social and economic activities?</p>	<p>Yes – This support will help to build my confidence and skills to eventually participate in social activities independently.</p>
<p>Is it cost effective? (Is there a cheaper support with the same benefits?)</p>	<p>Yes – This is the most cost-effective support, is likely to have good results and is cheaper than utilising behavioural specialists or therapies.</p>
<p>Is it beneficial according to current good practice?</p>	<p>Yes – The support is proven to be effective and beneficial for many people with autism and is widely accepted.</p>
<p>NOT provided by informal supports?</p>	<p>Yes – Joel's goal is to interact with new people independently, which means not relying on his family members to help him make friends. It is reasonable that the average 22 year old male does not have his mother attending social activities with him or assisting him to meet new people. Therefore, it is reasonable that Joel should receive formal support to do this independently. Furthermore, Joel would be working with a support person who fully understands Joel's disability and would also be of similar age and understand how to interact with people of his generation.</p>
<p>NOT provided by other government agencies?</p>	<p>Yes – There are no other government agencies who can provide this type of social support for Joel.</p>

See Appendix 1 for a copy of this template for your own use.

Consider what evidence you can bring (not always necessary)

- Reports and assessments from allied health professionals (check how recent they need to be)
- Professional advice and letters
- Articles proving clinical benefits or best practice
- Success stories from others using the support in the same way etc.

Internal Review of a Reviewable Decision

You may want to request a review if your plan is not what you were expecting. It is in your rights to request a review if you are not happy with your plan or a decision of the NDIA. However, you must request the review within 3 months of receiving the plan or decision.

You can request a review by:

- Writing to:
Chief Executive Officer
National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601
- Talking to someone in person at an NDIA office
- Calling 1800 800 110
- Sending an email to: enquiries@ndis.gov.au

You also have the option to complete a *Review of a Decision* form on the NDIA website

<https://www.ndis.gov.au/medias/documents/review-application-form/Reviewable-decision-Form.pdf>

You don't have to use this form, however it can be helpful to structure your request and explain why you think the decision is incorrect.

Tips for writing a review application:

1. Get straight to the point and only include what's necessary
2. Stick to the facts rather than emotions
3. Explain the impacts of the decision/s, including long term and short term
4. Explain how this will affect your ability to achieve your goal/s

Once you have submitted your request, you should be contacted by the reviewer to explain why you would like the decision/s reconsidered, to answer any questions or provide additional information that may assist them in their decision making. The reviewer will not be the same person involved in making the original decision. The original decision will also still be in effect until the new decision has been made and notification has been sent.

During this time, you should continue to use your plan and the funds as normal until you hear otherwise.

TIP: If you are contacted at a time that is inconvenient for you or you don't feel comfortable answering private questions where you are, you can ask to be contacted at a more suitable time.

The NDIA will then make a decision to:

1. Stay with the original decision
2. Overturn the decision
3. Vary the decision

You will be contacted as soon as possible to be notified of the decision before a written notice is sent. This gives you a last chance opportunity to add any more information if you are not happy with the new decision.

Good reasons to request a review:

- The supports are incorrect or completely missing
- The amount of funding is insufficient
- Important details are incorrect
- Goals are incorrect

Things you can change without a Review:

- You can change your providers at any time subject to the notice period given in your service agreement
- You may have more flexibility in your budget than you think. For example, you may have been given more funds for consumables than you needed but not enough funds allocated to daily activities. These categories fall under the **Core** budget which is totally flexible. This means that you can use more or less of what has been allocated for each specific category on other **Core** categories, rather than going through a review process.
- Similarly, in the Capacity Building Budget, support items are flexible **within each category**. If your plan specifies funds to be used for a personal trainer, and you decide that your needs have changed and they would be better met by a dietician – as long as the new support still meets the goal, you can do this. Both support items are in the same category of Health and Wellbeing and therefore this is flexible.

Things to consider before triggering an unscheduled Review process

- Is a review the best path to take?
- Is this a reviewable decision? Find a comprehensive list of reviewable decisions in Section 99 of the NDIS Act here <https://www.legislation.gov.au/Details/C2013A00020> or see Appendix 3.
- You may have your whole plan reviewed during this process, instead of just the parts you requested to have changed. All elements of the plan will be considered in a review to ensure that the plan works well as a whole.

If the original decision is changed, you will be given a new plan with a new start and end date.

Tip: Make sure you understand the rationale behind decisions the NDIA make in relation to funded supports and the reasonable and necessary criteria that is used to inform decision making. This understanding of what can and can't be funded and why, will help you to build a strong argument in explaining why a decision should be changed or overturned. By using NDIA language and logic, you are much more likely to get further in your request.

See Reasonable and Necessary criteria in the Annual Review section on Page 5.

Change of Circumstances and Unscheduled Plan Review

If there are any changes in your circumstances that might impact your plan, you should notify the NDIA as soon as possible, however this will only trigger a review if necessary.

Some of the changes might be related to changes in:

- Support needs
- Informal supports (e.g. family, carers)
- Living arrangements
- Compensation status
- Additional disability or unexpected deterioration in your functioning

You can follow the same options as an internal review for notifying the NDIA or you can fill out a **Change of Circumstances** form found here

<https://www.ndis.gov.au/medias/documents/h42/haa/8802538061854/change-of-circumstances.pdf>

If you feel that there are changes in your life that are significant enough to have a full review of your plan and supports, you can request an **unscheduled Plan Review** by filling out the **Plan Review Request Form** here

<https://www.ndis.gov.au/medias/documents/plan-review-form-pdf/Plan-Review-Request-Form.pdf>

While you can do this at any time, you may want to think about how close your annual review is. Given that a request for an unscheduled plan review might take several months to proceed and finalise, if your annual review is coming up within a couple of months it might be worth waiting.

Having said this, in some cases if an unscheduled review has been very delayed and you are now coming up to an annual review, your request details will be passed on to the annual reviewer who will then take this into consideration.

Appendix 1: Reasonable and Necessary Supports Template

Goal:

Funded Support:

Reasonable and Necessary Criteria	Justification
<p>Related to my disability? (Would I need this support if I didn't have the disability?)</p>	
<p>Helps me to achieve my goal? (could I achieve this goal without the support?)</p>	
<p>Helps me to participate in social and economic activities?</p>	
<p>Is it cost effective? (Is there a cheaper support with the same benefits?)</p>	
<p>Is it beneficial accounting to current good practice?</p>	
<p>NOT provided by informal supports?</p>	
<p>NOT provided by other government agencies?</p>	

Appendix 2: Reviewable Decisions

Each of the following CEO decisions is a reviewable decision:

- (a) a decision a person does not meet the access criteria;
- (b) a decision not to specify a period under s 26(2)(b);
- (c) a decision to revoke a person's status as a participant;
- (d) a decision to approve the statement of participant supports in a participant's plan;
- (e) a decision not to extend a grace period;
- (f) a decision not to review a participant's plan;
- (g) a decision to refuse to approve a person or entity as a registered provider of supports;
- (h) a decision to revoke an instrument approving a person or entity as a registered provider of supports;
- (i) a decision to make, or not to make, a determination in relation to a person;
- (j) a decision not to determine a child can represent themselves;
- (k) a decision to make, or not to make, a determination a person has parental responsibility for a child;
- (l) a decision to appoint a plan nominee;
- (m) a decision to appoint a correspondence nominee;
- (n) a decision to cancel or suspend, or not to cancel or suspend, the appointment of a nominee;
- (o) a decision to give a notice to require a person to take reasonable action to claim or obtain compensation;
- (oa) a decision to refuse to extend a period;
- (ob) a decision to take action to claim or obtain compensation;
- (oc) a decision to take over the conduct of a claim;
- (p) a decision to give a notice the CEO proposes to recover an amount;
- (q) a decision not to treat the whole or part of a compensation payment as not having been fixed by a judgement or settlement;
- (r) a decision not to write off a debt;
- (s) a decision under section 192 that the CEO is not required to waive a debt;
- (t) a decision under section 193 not to waive a debt;
- (u) a decision the CEO is not required to waive a debt;