

family

A D V O C A C Y

NDIS REVIEW GUIDE

A guide for NDIS participants reviewing their plan



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There are 3 types of review under the NDIS system – an internal review, an external review, and a plan review (scheduled and unscheduled). An internal review is a process you can go through when you think the NDIA's decision about your NDIS plan is wrong or the NDIA's decision not to accept you onto the scheme as a participant is wrong. An external review, often called an appeal, is a process you can go through at the Administrative Appeals Tribunal if you are unhappy with the outcome of your internal review. Your NDIS plan is generally in place for 12 months, at which time a scheduled plan review will be conducted by the NDIA through their planners and your Local Area Coordinator (LAC). You can request an unscheduled plan review at any time, which will bring your scheduled plan review date forward. This usually occurs where there has been a change in your circumstances.

Your NDIS plan will be reviewed every 12 months

Towards the end of your first year as an NDIS participant, you will be contacted to prepare for a plan review meeting to discuss your NDIS plan. Your LAC or ECEI Partner will discuss your achievements from your last plan. They will ensure that your supports are continuing to help you achieve your goals and build your skills towards more independence and involvement in the community.

You can also explore and set new personal goals that build on your previous achievements. You are welcome to bring a family member or support person with you.

Plan review meetings can be scheduled up to two years apart, depending on your personal circumstances and goals. If you know your circumstances may change throughout the year, you can ensure that your planning meetings are scheduled every 12 months.

In order to continue receiving therapeutic supports (e.g. occupational therapy, speech therapy etc.) you must obtain progress reports from your therapists and show these to your LAC at the plan review meeting. If your therapists are from an NDIA approved provider, you should not be asked to pay for the report out of your NDIS plan, nor should your therapy hours be reduced to allow the therapist time to create the report.

Getting ready for your 12 month plan review

To prepare for your plan review meeting, you can work with a friend, family member, LAC, ECEI Partner or Support Coordinator if you have one. Have a think about your goals in both the short and long term. Knowing what you would like to work towards will help you to think about the supports and services you may need to achieve these goals.

Before you start your plan review meeting, it can also be helpful for you to explore options to get involved with in your local community through activities such as sport clubs, local theatres, special interest and community groups.

An Unscheduled Plan Review

If your personal circumstances change significantly and this affects the supports you require from the NDIS, you can submit a [Change in Circumstances Form](#) and [request a plan review](#).

You can request a plan review at any time, even if your circumstances have not changed. For example, if your spending your funding more quickly than you anticipated, you can request a plan review to bring forward your scheduled plan review date. The NDIA can decide whether or not to conduct a plan review. If they decide not to, you can challenge that decision through an internal review. However, if you received your plan less than three months ago, it is important that you submit an internal review, rather than a plan review. The plan review process often takes a lot longer.



Internal Review

If you are not happy with your NDIS plan or the NDIA have refused you access to the NDIS

If you are not happy with an NDIA decision, you can submit an application for a review of that decision, within 3 months. Whilst you will have the same Local Area Coordinator, your NDIS planner will be replaced. You will be contacted by an NDIA reviewer for your internal review. They can make a decision to confirm, vary or set aside and substitute the earlier decision. At the moment, there appears to be a wait time of between a few weeks to a few months for internal review outcomes.

A request for review of a decision can be made by:

- downloading and completing the [Request for an Internal Review form](#) from the NDIS website and emailing it to feedback@ndis.gov.au - you do not have to use this form but it may be helpful
- submitting a written request to: Chief Executive Officer National Disability Insurance Agency GPO Box 700 Canberra ACT 2601
- talking to someone at an NDIA office, or;
- calling 1800 800 110

When you ask for an internal review of a decision you should explain why you think the decision is incorrect. Be clear that you are requesting an internal review and not a plan review.

If you are challenging a decision about supports that you have not received funding for, be clear and specific about what supports you think should be funded and why these supports are reasonable and necessary. You can refer to our [Reasonable and Necessary Checklist](#). It is a good idea to use facts and evidence to support your opinion that the reasonable and necessary criteria has been met, such as medical reports/assessments and statements from yourself as a family member.

If the decision is about access onto the scheme as a participant, you can consider gathering more specific evidence and information to satisfy the [Disability Requirements](#) and reapplying to the scheme, rather than going through the internal review process. Maybe talk to your doctor and other health professionals for help with this.

If you are unhappy with the way the NDIA carried out its decision-making, or how it dealt with you during the review process, there are various avenues to make a complaint. See our [NDIS Troubleshooting Guide](#) on what to do.



Helpful Tips

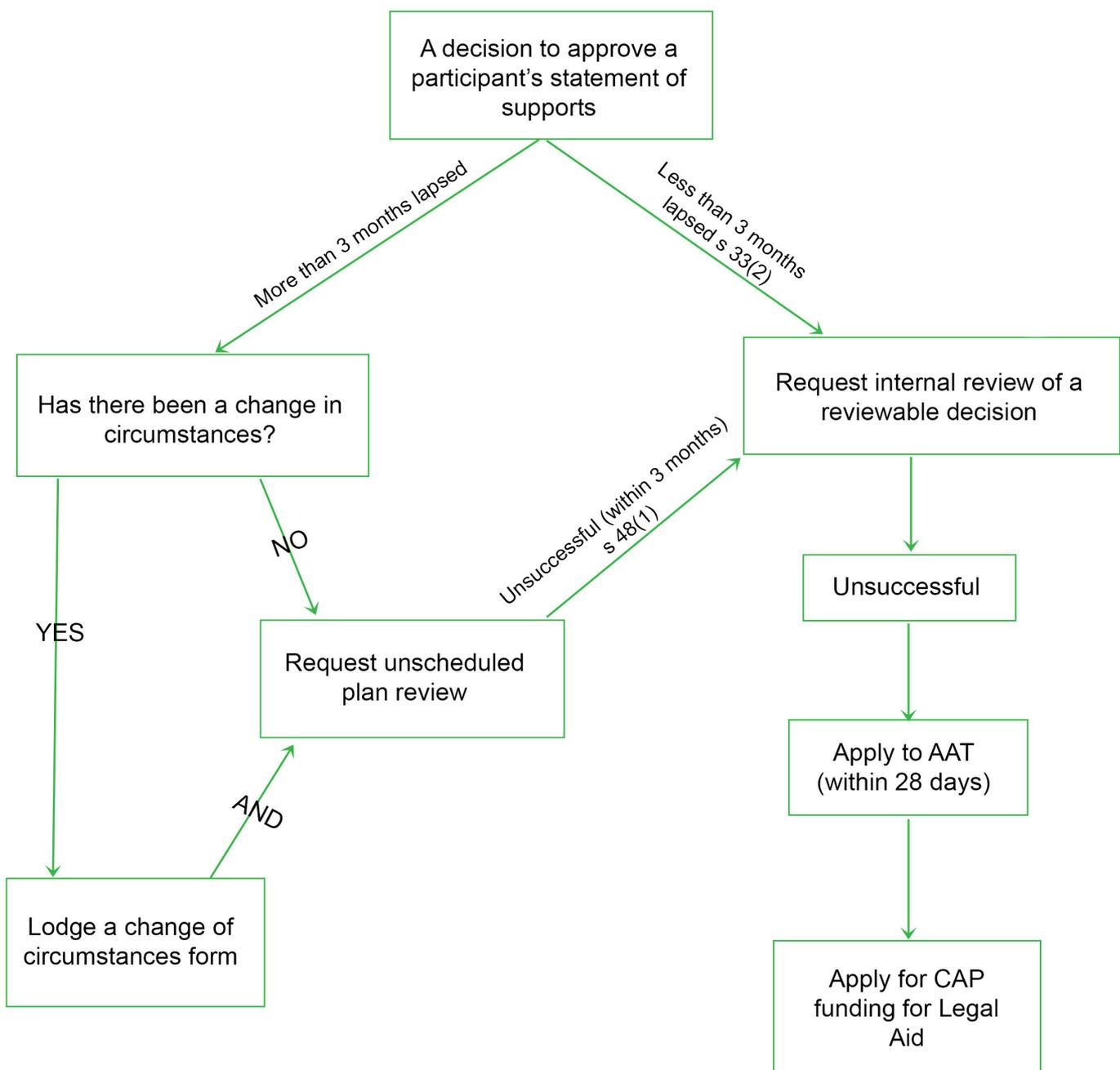
- Make sure your request for a review is actually received by the NDIA and lodged into the system. The NDIA are very busy, it is important to follow up with them to make sure your review is being processed on time.
- Familiarise yourself with the reasonable and necessary criteria or disability requirements when writing your request for an internal review or plan review.
- If you have received a decision letter from the NDIA outlining the reasons for their decision, mention these in your request for a review application and explain why you think their reasons are incorrect with reference to examples or evidence.
- Consider including a request for a face-to-face meeting in your application.
- Arm yourself with new evidence. It is helpful to get new letters and reports where possible. The NDIA are more likely to consider changing their decision if there is new evidence to be taken into account.
- Continue to follow up both via phone and email with the NDIA and your LAC or ECEI Partner. The feedback from families is that being persistent in following up with the Agency can lead to review processes being completed more quickly and provides you with a paper trail should you need to escalate the matter.
- Whilst we always encourage you to have a positive vision for yourself or your family member, it is important to make sure that the NDIA understands what a bad day looks like. The danger is that the NDIA may underestimate your support needs and not provide you with adequate funding.
- It is understandable if your emotions are heightened throughout this process. Try your best to be confident and assertive but not aggressive. In the case of a family member representing the participant, remember that you know best about their life goals, life challenges and the supports that they require to live an ordinary life.
- Maybe ask a friend or trusted professional to read over your application form. Having a person outside of your family provide feedback can be useful.

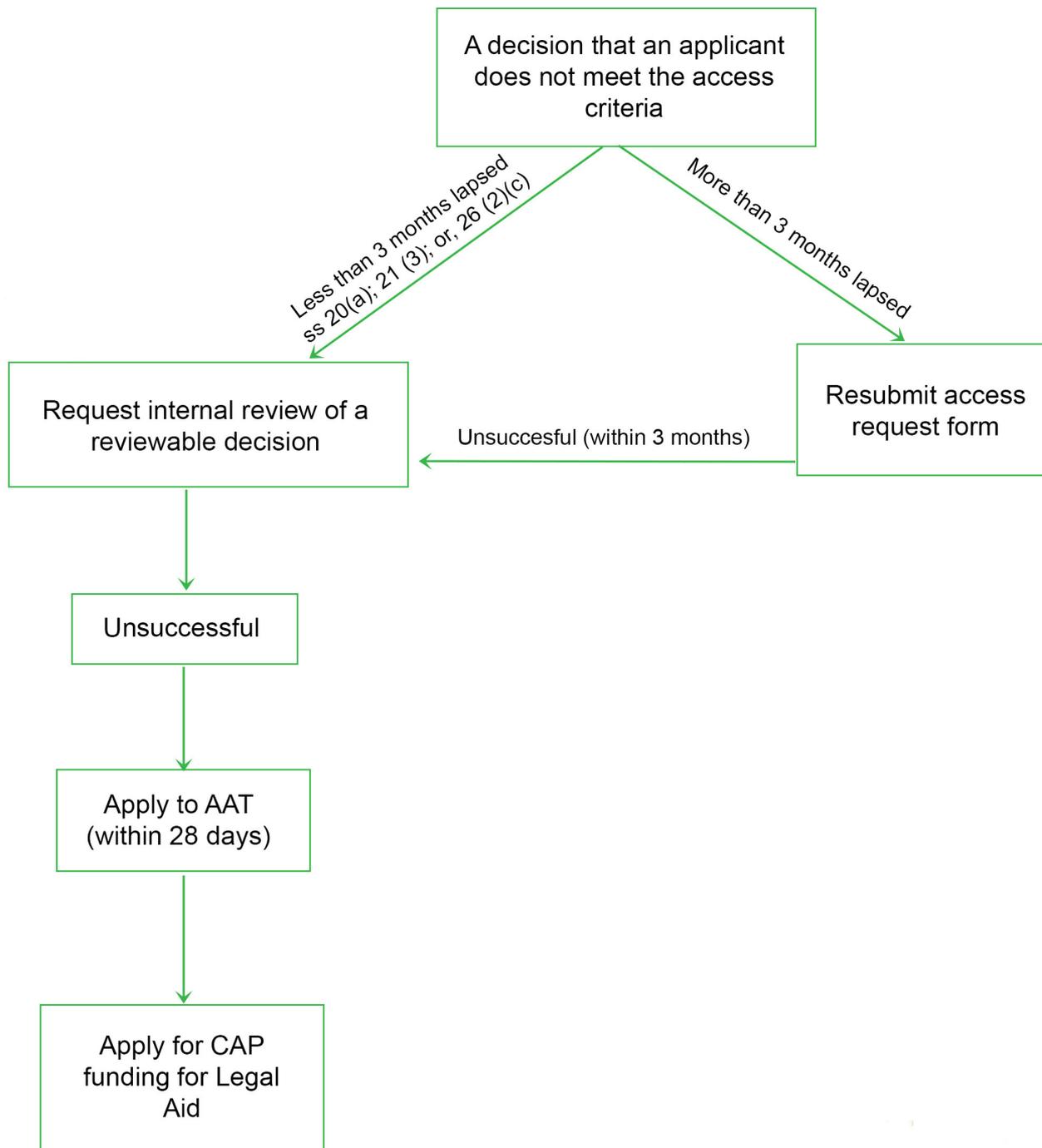
If you would like more specific guidance on requesting a review, you can call Sian Williams on 9869 0866 to have a chat.

External Review or Appeal

If you are unhappy with the outcome of your internal review, you can apply for an Administrative Appeals Tribunal (AAT) independent review. You have to submit your application within 28 days of receiving the decision from the NDIA. There are organisations that are funded to provide direct advocacy assistance throughout this process. For more information, see our [Appeals Guide](#).

A Guide on Challenging a Decision made by the NDIA:





Transitioning from the NDIS

Under the NDIS Act, early intervention support is available to both children and adults who meet the early intervention requirements.

The aim of early intervention is to alleviate the impact of a person's impairment on their functional capacity by providing support at the earliest possible stage.

If a person has entered via the early intervention requirements, their continuing eligibility will be assessed at each plan review meeting. In some cases, reviews may determine that early intervention has increased a person's independence and decreased their need for additional support, meaning they can transition from the NDIS.

Adults and children determined to need additional support under the NDIS will continue to receive funded support as a participant.

Visit the [Transitioning from the NDIS page](#) for more detail.

Paying providers when there is a gap in-between plans

A small number of NDIS participants may have a gap between their current plan's start date and the previous plan's end date.

If a participant is waiting for a plan review and their plan has expired, the NDIA will cover expenses incurred during this time provided they are detailed in relevant agreements.

The NDIA will extend the old plan to the day before the start of the next plan. This will enable providers to receive payment under your old plan for services they may have provided during the gap period.

Language explained

'You' - When we use the term "you" throughout this guide, we refer to you as an individual, or as a nominee managing a plan for your family member with a developmental disability.

'Local Area Coordinator' – LACs are NDIA representatives that are partners in community, such as St Vincent de Paul or Uniting Care, who will work with participants (aged 7- 65) and their families to develop their first plan, start their plan and review their plan.

'Early Childhood Early Intervention partners' - ECEI partners are NDIA representatives in community, such as Aspect or The Royal Deaf and Blind Society, who are commissioned by the NDIA to work with children (aged 0-6) and their families through best-practice and family-centred approaches including plan reviews.