Participants or Cohorts with Specific or Complex Requirements

Working Arrangements for the Transition to the NDIS in NSW

To be agreed between the Commonwealth Government, the NSW Government and the National Disability Insurance Agency
## Table of Contents

1. Document Version Control and Approval .......................................................... 3
   1.1. Version Control – Circulated versions only ........................................ 3
   1.2. Final Document endorsement .................................................................. 3
   1.3. Document approval .................................................................................. 3

2. Authorising documents ..................................................................................... 4
   2.1. Heads of Agreement ................................................................................. 4
   2.2. Bilateral Agreement .................................................................................. 4
   2.3. National Policies, Legislation and Regulations ....................................... 4
   2.4. Intersections with other Working Arrangements .................................... 5
   2.5. Operational Plan Summary ..................................................................... 5

3. Working Arrangements ..................................................................................... 7
   3.1. Scope ........................................................................................................ 7
   3.2. NDIS Participant Pathway ...................................................................... 7
   3.3. Individuals with complex support requirements ..................................... 7
   3.4. Individuals with specific requirements ................................................... 8
   3.5. Access to expert advice and knowledge transfer ..................................... 8
   3.6. Working arrangements for existing disability service system clients ...... 10

4. FACS Support for clients with complex requirements during transition .. 16

5. Market Capacity .............................................................................................. 19

6. Review Process ............................................................................................... 19

7. Communication Approach ............................................................................. 19

8. Agreed Actions and Next Steps .................................................................... 20

9. Attachments .................................................................................................... 21
1. Document Version Control and Approval

1.1. Version Control – Circulated versions only

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Reason for Issue / Changes Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1</td>
<td></td>
<td>SD&amp;R</td>
<td>Initial version</td>
</tr>
<tr>
<td>0.2</td>
<td></td>
<td>NDIA</td>
<td>NDIA feedback</td>
</tr>
<tr>
<td>0.3</td>
<td>15/7/16</td>
<td>NSW</td>
<td>NSW Feedback (Officer Level)</td>
</tr>
<tr>
<td>0.4</td>
<td>24/7/16</td>
<td>NDIA</td>
<td>NDIA Feedback (Officer Level)</td>
</tr>
<tr>
<td>0.5</td>
<td>6/10/16</td>
<td>NSW</td>
<td>Final draft document (Officer Level)</td>
</tr>
</tbody>
</table>

1.2. Final Document endorsement

<table>
<thead>
<tr>
<th>Document approved by</th>
<th>NSW NDIS Implementation Steering Committee (NNISC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution</td>
<td>Service Development and Reform, Community Access, LRCSSL, Community Services and Service Delivery Programs and NDIS Transition</td>
</tr>
<tr>
<td>Document name</td>
<td>Participants/Cohorts with Specific or Complex Requirements-Working Arrangements</td>
</tr>
<tr>
<td>Version</td>
<td>[Final version number]</td>
</tr>
<tr>
<td>File name</td>
<td>TAB16/5274 AH16/20758 Participants or Cohorts with Specific or Complex Requirements – Working arrangements for the Transition to the NDIS in NSW</td>
</tr>
<tr>
<td>Lead agency</td>
<td>Department of Family and Community Services (FACS)</td>
</tr>
<tr>
<td>Date</td>
<td>[Endorsement date]</td>
</tr>
</tbody>
</table>

1.3. Document approval

<table>
<thead>
<tr>
<th>Commonwealth</th>
<th>&lt;insert name here&gt; &lt;Position&gt; &lt;Date&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>&lt;insert name here&gt; &lt;Position&gt; &lt;Date&gt;</td>
</tr>
<tr>
<td>National Disability Insurance Agency</td>
<td>&lt;insert name here&gt; &lt;Position&gt; &lt;Date&gt;</td>
</tr>
</tbody>
</table>
2. Authorising documents

2.1. Heads of Agreement

This document is to be read in conjunction with Section 5 of the Heads of Agreement between the Commonwealth and NSW Governments on the National Disability Insurance Scheme (NDIS).

Section 5 of the Heads of Agreement states that the NDIS in NSW will:

a. provide all eligible NSW residents with access to a scheme based on insurance principles that guarantees lifetime coverage for participants for the costs of reasonable and necessary care and support
b. provide people with disability the choice and control over their disability supports, including specialist, mainstream and community supports
c. guarantee a sustainable funding model for the provision of disability supports into the future.

2.2. Bilateral Agreement

A bilateral agreement was signed by Prime Minister Malcolm Turnbull and New South Wales (NSW) Premier Mike Baird on 16 September 2015 for the roll out of the National Disability Insurance Scheme (NDIS) in New South Wales.

An Operational Plan (the Plan) between the National Disability Insurance Agency (NDIA), Commonwealth and NSW governments was signed on 3 November 2015. The Plan outlines how the three parties will work together to implement the NDIS in NSW. The Plan is made up of 20 different sections in two parts: part one is about the bilateral and national policy, and part two is about administration and service delivery. Element 15 of the Operational Plan provides for the development of working arrangements for transition to the NDIS of participant cohorts with specific or complex needs.

2.3. National Policies, Legislation and Regulations

NSW NDIS registered providers are required to comply with the NDIA terms of business. These require registered providers to, among other things, comply with the NDIS Act, the Rules, all relevant NDIS guidelines, all policies issued by the NDIA and any Commonwealth, State or Territory laws that are applicable to the registered provider (e.g. Privacy Act 1988, the Australian Consumer Law, relevant quality and safeguard laws). Within this context, NSW NDIS registered providers are required to comply with:

- Children and Young Person’s (Care and Protection) Act 1998 for out of home care (OOHC) and voluntary out of home care (VOOHC)
- Children and Young Persons (Care and Protection) Regulation 2012 and the Statutory Procedures for VOOHC in NSW, (including responsibilities for supervision by Designated Agencies, development of case plans and entering data onto the VOOHC register).
- Guardianship Act (1987) and Guardianship Regulations (2010)
- Disability Inclusion Act (2014)
• **Anti-Discrimination Act (1977)**

Other relevant policies that may apply at the service point include:

• **Memorandum of Understanding between FACS and NSW Health in the provision of services to people with an intellectual disability and mental illness.**

• **Justice Services Policy (2009) – NSW Department of Family and Community Services**

• **Behaviour Support Policy (2012) – NSW Department of Family and Community Services**

### 2.4 Intersections with other Working Arrangements

The Working Arrangement for Participants or Cohorts with Specific or Complex Requirements will intersect with other Working Arrangements.

The Working Arrangements are:

<table>
<thead>
<tr>
<th>Operational Plan Reference</th>
<th>Title of Working Arrangement</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0</td>
<td>Quality and Safeguards</td>
</tr>
<tr>
<td>5.0</td>
<td>Continuity of Support arrangements for ineligible clients</td>
</tr>
<tr>
<td>7.0</td>
<td>Management of Mainstream Interfaces</td>
</tr>
<tr>
<td>8.0</td>
<td>Information, Linkages and Capacity Building</td>
</tr>
<tr>
<td>11.0</td>
<td>Pre-Intake Preparations Working Arrangements</td>
</tr>
<tr>
<td>12.0</td>
<td>Information and Data Management Working Arrangements</td>
</tr>
<tr>
<td>14.0</td>
<td>LAC Six Months in Advance Working Arrangements</td>
</tr>
<tr>
<td>19.1</td>
<td>Transition Working Arrangements for People in rural and remote locations</td>
</tr>
<tr>
<td>19.2</td>
<td>Transition Working Arrangements for People in Aboriginal and Torres Strait Islander communities</td>
</tr>
<tr>
<td>19.3</td>
<td>Transition Working Arrangements for people in Culturally and Linguistically Diverse (CALD) Comunities</td>
</tr>
</tbody>
</table>

### 2.5. Operational Plan Summary

**Summary**

Some prospective participants may require additional pre-planning support from the NDIA and NSW Government to ensure their access to the NDIS is seamless and ongoing support requirements are met. Element 15 of the Operational Plan governs the development of transitional working arrangements for participants/ cohorts with complex and specific requirements.

Cohorts with complex support requirements include:

- People whose behaviours place them and others at risk
- People who receive supports from the Community Justice Program or the Integrated Services Program
- People residing in Large Residential Centres
• People with high medical needs and multiple diagnoses
• People who receive supports from the Leaving Care Program
• Children who are in out-of-home care or voluntary out-of-home care placements.

For the purposes of this Working Arrangement, the definition of complex support requirements are detailed at section 3.3.

Cohorts with specific requirements include:
• Younger People in Residential Aged Care (YPIRAC) placements which are people under 65 years of age who do not have aged related health conditions
• People who have not engaged with the disability services previously with chronic psychosocial disability issues or those with newly acquired disability such as traumatic brain injury
• People residing in Boarding Houses
• School leavers
• Community Support Team clients who are at risk of entering more restrictive options.

<table>
<thead>
<tr>
<th>Deliverable/s</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreed working arrangements for participant cohorts with specific or complex needs.</td>
<td>April 2016</td>
</tr>
</tbody>
</table>

**Performance Measures**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Responsible Agency</th>
<th>Reporting frequency</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of existing NSW clients captured in the data extract with identified specific or complex needs</td>
<td>NSW Government</td>
<td>One off</td>
<td>Market Analysis and consultation to inform the safe transition of people with complex support needs to the NDIS - KPMG report</td>
</tr>
<tr>
<td>The number and percentage of NSW clients with specific or complex needs referred to respective intensive planning streams</td>
<td>NDIA</td>
<td>Quarterly</td>
<td>NDIA</td>
</tr>
<tr>
<td>Pre and post transition supports (support types, hours, funding value) clients with specific or complex needs</td>
<td>NSW Government</td>
<td>Quarterly</td>
<td>NDIS Design and Transfer Directorate</td>
</tr>
</tbody>
</table>

**Outcome**

Specific needs are addressed avoiding delays to phasing, and increasing participant outcomes and social and economic participation.
3. Working Arrangements

3.1. Scope

The Working Arrangements cover the NDIS transition period from 1 July 2016 to 30 June 2018 and apply to the cohorts outlined in section 2.5. They are designed to assist the NDIA and NSW to prepare and support NSW clients who have been identified by NSW FACS as having complex or specific requirements to transition to the NDIS in a safe and seamless manner.

The Working Arrangements outline the roles and responsibilities of the NDIA, the NSW Department of Family and Community Services (FACS), mainstream and NDIS registered service providers in supporting people with complex or specific requirements to transition to the NDIS and should be read in conjunction with the Working Arrangements outlined in section 2.4.

The Working Arrangements reflect the NDIS Participant Pathway for Transition shown in the flow charts in Attachment A. These flow charts have been adjusted to reflect agreed arrangements for transitioning people with disability defined as existing clients of the NSW disability service system who have complex or specific requirements.

NSW and the NDIA have an agreed governance and escalation framework designed to resolve issues which arise during transition to the NDIS. Systemic, policy and operational issues regarding the transition of participants to the NDIS, including those with complex or specific requirements, will be escalated in accordance with the NSW NDIS Issues Management and Escalation Protocol.

Transition of existing clients to the NDIS is being phased over two years in NSW. Phasing is occurring on a FACS district basis, with seven districts transitioning in 2016/17 and eight districts transitioning in 2017/18. Implementation of these Working Arrangements will commence as soon as authorised and apply to existing clients as soon as the access process commences for them in accordance with the phasing schedule agreed between the NDIA and NSW.

3.2. NDIS Participant Pathway

The NDIS’s participant pathway includes access and planning. For the purposes of this Working Arrangement, plan review forms part of the planning process.

The *NDIS Act 2013* requires the NDIA to formally determine a person’s eligibility to access the NDIS. This applies equally to existing clients of state and territory disability systems and those seeking to enter the NDIS who have not previously received support. The NDIA will determine eligibility through contact with the person or their guardian in order to determine eligibility to access the NDIS.

3.3. Individuals with complex support requirements

NSW and the NDIA have agreed that specific strategies are required to support clients with complex or specific requirements transitioning to the NDIS.

For the purposes of this Working Arrangement people with complex requirements are defined as those who meet the NDIA’s disability access requirements and the following:
(a) are experiencing (or are at risk of experiencing) multiple and interrelated conditions or factors which contribute to an intensity of support need. This includes multiple disabilities, dual diagnosis, significant medical conditions or significant deteriorating health conditions, behaviours which cause harm to themselves or others, alcohol and/or drug issues, and issues relating to past experience of trauma or neglect in addition to having an intellectual disability or mental illness, or

(b) are experiencing (or are at risk of experiencing) one or more situational factors that impacts on the complexity of their supports needs or the ability of their natural supports to meet their needs, e.g., a lack of natural supports, family or carer stress, a breakdown in carer arrangements, children or young people in the care of the Minister, young people who have left or are leaving care, children and young people of compulsory school age not attending school, involvement in the criminal justice or forensic system, and a multi-agency response is required to support an individual, and

(c) challenge the service system’s capacity to respond to their support needs due to its structure, organisation or resourcing.

Individuals in this target group include those with a severe or profound disability as well as those who have a mild or moderate disability (and are determined as eligible at Access) and who have complex support requirements related but not limited to homelessness, incarceration and hospitalisation (mental health).

3.4. Individuals with specific requirements

These Working Arrangements also apply to individuals who do not necessarily have complex support requirements however they have specific requirements. These participants are identified in Section 2.5. Specific actions required to achieve key outcomes for these individuals are outlined in Section 3.6 and Appendix B except where otherwise indicated.

3.5. Access to expert advice and knowledge transfer

The NDIA and NSW are committed to ensuring that existing clients transition smoothly to the Scheme. The NDIA has established a technical advisory team to support and provide expert advice to planners and local area coordinators involved in participant planning. Further the NDIA and NSW acknowledge where opportunities present knowledge transfer will be promoted and encouraged. To support knowledge sharing FACS will engage with each NDIA Region about opportunities for conducting briefings of relevant NDIA staff on supporting people with complex support needs or specific cohorts. NSW is committed to sharing standardised information on the following topics:

- the characteristics of people with disability with complex support needs or specific cohorts
- factors that influence and contribute to complexity
- applying a systems approach to planning and support provision in the context of individualised funding
- the range of supports and therapeutic interventions used to support these cohorts
- key issues including Health complexities and risks that need to be considered when developing plans
• working effectively and safely with people with complex support needs or specific cohorts
• legislation that impacts on the provision of support to people with complex support needs or specific cohorts (e.g. guardianship, child protection).

NSW will assist with the preparation and delivery of background and participant material for briefing sessions where agreed.

3.6 Consent and guardians

The NDIA will obtain the informed consent of the person or their guardian, where necessary. This may include consent to enter the Scheme, release and exchange information with the NDIA and other supports and services for the purposes of NDIS plan development and referral to others (e.g. for assessments as part of plan development). Most guardian appointments are by the NSW Civil and Administrative Tribunal (NCAT Guardianship Division) or the Supreme Court, except where the person themselves has appointed an Enduring Guardian.

Accessing the Scheme

Where an adult client has a guardian with the relevant authority for decisions relating to disability services, NSW will identify this person as the primary contact.

Where the client is under the parental responsibility of the Minister for Family and Community Services or the Secretary where they are under interim care orders, NSW will identify the child or young person’s case manager as the primary contact. This person may be an employee of FACS or an accredited NGO out-of-home care provider. The case manager will be responsible for engaging with the child or young person’s foster carer or service provider in the case of children and young people living in residential settings.

The NDIA will use the primary contact identified by FACS for the purposes of obtaining consent for a client to enter the Scheme. In the case of adults entering the Scheme, the NDIA will assure itself that the guardian or person contacted has the authority to consent to the client’s entry into the Scheme. In the case of children and young people, the NDIA will assure itself that the person acting on behalf of the child/person representing the child has the authority to consent to the child or young person’s entry into the Scheme.

Clients who do not have adequate decision making support may be unable to provide consent to participate in the NDIS or to make other decisions necessary to give effect to their participation in the scheme. Where this is the case, FACS will facilitate the provision of decision support to enable the person to access the Scheme through their key worker, case manager or other appropriate person.

Once the person has been deemed eligible for the Scheme, the NDIA will facilitate access to decision making support for participants who require assistance during planning.

The Public Guardian and NCAT recognise people with disability should be supported informally as far as possible as the least restrictive mechanism to make an NDIS access request, and exercise choices and control in decisions related to their supports under the NDIS Act 2013.

Planning
Where an adult participant has a guardian appointed with the relevant authority, this person will be provided with the opportunity to participate in pre-planning and planning with the participant, including plan review.

In the case of children and young people under the parental responsibility of the Minister for Family and Community Services or the Secretary, their case manager and foster carer will be provided with the opportunity to participate in planning. The child’s case manager will facilitate the participation of foster carers and service providers (where the child is living in residential care) during these phases.

3.6. Working arrangements for existing disability service system clients

The following working arrangements apply to those people with disability in receipt of services from the NSW disability service system identified for transition to the NDIS and known as existing clients, who meet the definition of complex or specific outlined in Sections 2.5, 3.3 and 3.4 above, except where indicated otherwise. The working arrangements identify where additional support may be required for transition to NDIS.

3.6.1 Access

Identification of within scope clients

To ensure the NDIA is able to give effect to these working arrangements, NSW FACS will flag those with specific or complex support requirements within the dataset of existing NSW clients provided to the NDIA in accordance with the Information and Data Management Working Arrangements. Where possible, the data set will also flag clients in contact with the child protection system or who are shared clients of mainstream service systems (i.e. health, education).

It is possible that an existing client’s guardianship status may change following the provision of the dataset of existing NSW clients to the NDIA. FACS will advise the NDIA of any known changes in guardianship status or, in the case of children and young people under the parental care of the Minister for Family and Community Services or the Secretary, of changes in case manager. Information on changes will be provided by FACS to the Scheme Actuary. FACS will only be responsible for communicating these changes to the NDIA up until the point the existing client becomes a participant of the Scheme.

Transition to the Scheme

All clients will receive a letter from FACS on the process for transitioning to the NDIS. It has been agreed that delivery of this letter to a subset of clients with complex requirements - clients of the Integrated Services Program, Large Residential Centres and Specialist Supported Living – will be coordinated through a designated FACS contact. In the case of the Community Justice Program, FACS will provide additional support materials to providers to explain the purpose of the letter and to help them to discuss the letter with their clients including what it means for them. The NDIA will then make contact with these clients to determine their eligibility and obtain their consent to enter the Scheme. In the case of children in the care of the Minister, the letter will be provided to the FACS or NGO OOHC case worker.
FACS is assisting its clients to understand written communication about their transition to the Scheme where necessary, and particularly where they use augmented communication.

Consent to access the Scheme

Where clients do not consent to access the Scheme, the NDIA will advise FACS so that it can engage with the client, their family or guardian with a view to supporting them to transition. This may include providing support to the client to complete the required documentation or contact the National Access Team and complete the eligibility and access process by phone.

Streamlined consent for children and young people in OOHC

NSW and the NDIA have agreed to a streamlined consent approach for OOHC existing disability clients in both year one and year two districts during transition.

The streamlined consent, will apply to consent to access the Scheme and to share participant information, including their personal details for the purpose of supporting transition.

NSW will provide the data for OOHC cohort to the NDIA Scheme Actuary through the exceptions reporting process at agreed times for the year one and year two cohorts. The National Access Team (NAT) will quarantine this information and apply a dedicated team to determine the eligibility and management of the information. Additionally the OOHC data provided will also advise the appropriate delegated contact person for information gathering and the My First Plan conversation.

3.6.2 Pre-planning

NSW has funded a number of non-government organisations (NGO) to support people with disability, their families and carers to plan for their future and prepare for disability supports delivered through individualised funding arrangements. Participation in the activities delivered by these NGOs is voluntary.

The NDIA will also have local mechanisms in place to support people through the pre-planning process. This includes community and participant information sessions.

Once an NDIS access decision is made, participants flagged as having complex requirements by NSW will be assigned an NDIA planner to undertake the first planning conversation.

Client Dossiers

FACS has made arrangements for dossiers to be prepared for and provided to its existing clients to facilitate their effective participation in NDIS planning and transition to the NDIS. FACS funded non-government organisations (NGO) have been encouraged to do the same. Client dossiers will be prepared in accordance with FACS guidelines and provided to the person, family member, or their guardian during the pre-planning phase and prior to meeting with the NDIA planner to discuss their first plan.

A dossier will be compiled for each client that contains specific information related to the client that will inform plan development and the provision of on-going support for that individual. A subset of relevant documents will be compiled and used for
information gathering purposes specifically to ensure the support in the client’s plan is consistent with their level of complexity. For some client groups, this subset of documents to support information gathering and plan build will be compiled directly by ADHC staff (CJP, ISP Program clients and ADHC operated Group Home clients).

The client dossier may include information on the person’s goals and aspirations, information about formal and informal relationships and networks, relevant clinical and medical reports, current disability services and supports, history of involvement in the child protection, criminal justice system, and mental health systems including current mainstream supports where known, life transition points that will require additional supports (e.g. leaving care, student leaving school) and identifying any additional support required where the current formal and informal support arrangements are likely to be unsustainable within the next 12 months.

The information provided in the client dossier belongs to the participant, and it is their choice to share this dossier with the NDIS to inform the conversation about the first plan. There is no requirement for them to do so.
Meeting between the NDIA planner and participant’s current key worker – complex only

The NDIA planner will meet with a participant’s key workers (FACS, ADHC and or NGO provider) prior to the planning meeting with the person. Wherever possible the NDIA Planner and the participant’s key worker will coordinate efforts to seek consent from the participant. The NDIS Act authorises the Agency to collect information from third parties in this manner, however the participant will be informed of this and, where possible, their consent obtained prior to this meeting.

FACS will provide NDIA with contact details for the participant’s ADHC key worker. Where the participant’s key worker is employed by an NGO, ADHC will provide the NGO’s contact details to enable their details to be obtained by the NDIA.

The key worker will provide the NDIA planner with comprehensive information on the participant’s functional needs, current support arrangements, interaction with mainstream services, and existing Mental Health Review Tribunal, NSW Civil and Administrative Tribunal (Guardianship Division) and court orders (where available) impacting on the delivery of their support. The key worker will also brief the planner on risks to the participant or other people’s safety and wellbeing arising from their disability support needs or due to other factors, and how these are currently managed to enable this information to be considered in determining the level and type of support to be included in the participant’s NDIS plan.

NSW key worker will also provide the NDIA planner with information necessary for safe and effective planning meetings with the participant including:

- risk and safety considerations
- the most appropriate timing and location of meetings
- accessibility requirements including equipment
- interaction and communication requirements including augmented communication
- the most appropriate approach to engaging with young people in the care of the Minister regarding natural supports and history of trauma
- capacity for decision making and stakeholders who should be present during planning meetings or consulted in the development of the person’s plan.

If a participant is in a health facility or a criminal justice setting (adult, juvenile or police cells), the planner will also obtain necessary information from an appropriate officer on the person’s likely date of discharge or release and the supports that will be available from these systems to support the participant’s transition back into the community.

The relevant FACS district or state-wide program area will facilitate initial contact with these mainstream services for the purposes of identifying a suitable person for the planner to liaise with to obtain this information. The NDIA will then plan with the participant as required while they are in hospital or a criminal justice setting where their discharge or release is imminent.

To inform this discussion, the key worker will forward the NDIA with the list of assessments, plans and other documents contained within the client’s dossier.

The NDIA will initiate contact with mainstream service providers, the participant, their support person or guardian to make an appointment for planning.
The NDIA planner will then meet with the participant and their support person/people. This may include a family member, guardian, key worker or other nominated person facilitated by the NDIA where the person does not have natural supports.

3.6.3 Planning

In developing the plan, the NDIA planner will consider the person’s goals and aspirations, and the need for specialist assessments, support coordination and other reasonable and necessary supports.

Further, the plans for this participant cohort will include:

- reasonable and necessary support coordination and funded supports to enable transition to new support arrangements, to respond to expected fluctuations in support requirements including through the provision of behaviour support where required.

- and engagement with mainstream supports.

Where a participant is in the care of the Minister, funded supports will include plan management. Where a participant has an identified transition point in the near future, such as leaving care, the plan should consider the appropriate supports to enable that transition successfully. An engagement approach to manage the transition proactively and sensitively should be put in place.

Where a participant requires supported independent living in a group setting of two or more people the support coordinator will consider the participant’s compatibility with existing residents and likely impacts on the participant.

Where a participant has elected to change service providers as a part of their transition to the NDIS, their planner will assess the level of reasonable and necessary support required for the successful, and where necessary, staged transition of the participant to their new provider.

The NDIA will provide regular reports developed by the Scheme Actuary as outlined in the Bilateral Agreement and the NDIA Reporting Framework. FACS and the NDIA have also agreed to share information on a person’s funded plan in accordance with the NSW Privacy Commissioner’s directions on the exchange of health and personal information during NSW transition to the Scheme.

Where concerns about the outcome of the planning process for an individual or group of participants with complex or specific requirements arise during Scheme transition, NSW will raise these concerns using the agreed escalation process detailed in NSW NDIS Issues Management and Escalation Protocol.

Responding to a change of circumstances during a plan cycle – complex only

The participant’s support coordinator works with the participant to connect them with community and mainstream supports. The support coordinator also monitors the plan budget and provides reports to the Agency which include outcomes against the participant’s goals and budget.

While the participant’s plan for those with complex support needs can include the capacity to respond to anticipated episodes of need for increased support, there may be occasions where the level of additional support available is insufficient. This may be due to the severity of the event resulting in the need for increased intensive support (e.g. a serious incident involving challenging behaviour).
The participant’s support coordinator can work with the participant to consider ways to meet the new need within their existing budget and with the assistance of mainstream supports. This may involve the immediate convening of a case conference or meetings with the participant, their support providers, and mainstream service providers (e.g. health, housing, child protection) in order to determine options for effectively resolving their new needs and the respective roles and responsibilities of these parties in implementing these options. In those circumstances where the participant is at significant risk, particularly outside business hours, there is some flexibility to allow the service provider to respond directly in supporting the participant’s immediate needs.

The involvement of mainstream service providers is critical to successfully implementing the NDIA plan. Where the support coordinator is unable to engage with or is having difficulty in identifying appropriate representatives of mainstream service providers, they will contact the NDIA which will then invoke the NSW NDIS Issues Management and Escalation Protocol to assist with resolution. Additional work on the mechanics of this are being progressed between the NDIA and FACS.

The roles and responsibilities of the NDIA and mainstream services are defined under the Applied Principles and Tables of Support and apply equally to responding to the needs of participants whose support needs have escalated and may require an immediate response.

Where the participant’s needs cannot be met within their existing NDIS plan, the support coordinator will submit a request for a plan review to the NDIA on behalf of the participant. The NDIA can, based on a risk assessment, prioritise a plan review as a matter of urgency in situations where there is an immediate or imminent risk of homelessness, or there are significant and immediate risks to the safety and wellbeing of the participant or others.

**Responding to a change of circumstances - child protection**

Consistent with NSW Transitional Quality Assurance and Safeguards Working Arrangements agreed for NSW, anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to FACS. Reports are made by phoning the Child Protection Helpline on 132111 (TTY 1800 212 936) for the cost of a local call 24 hours a day, seven days a week.

Where a report leads to action that has impact on a child or young person and their access to their current disability supports or their need for an urgent increase in supports, FACS will contact and work collaboratively with the NDIA to address the child or young person’s disability and child protection support needs in accordance with Applied Principles and Tables of Support.

**3.7 Working arrangements for those who have not engaged with disability services previously (new participants)**

People who have not engaged with disability services previously (new participants) and have complex support requirements such as those with chronic mental health issues, those with newly acquired disability (e.g. traumatic brain injury), those exiting the criminal justice system or courts and those who meet the definition of complex in Section 3.3 will be party to the same arrangements as current NSW specialist disability clients who are defined as Complex.
To facilitate new participants’ effective participation in NDIS planning and transition to the NDIS, the relevant agency will appoint a key worker (this could be the lead health professional, social worker or other) who will support the person to:

- develop a dossier
- complete the NDIS Access Request Form (ARF)
- evidence the person’s consent to enter the scheme
- brief the NDIA planner prior to the planning conversation and attend the planning meeting as necessary.

Please also refer to the *Operational Guidance for NSW Mainstream Services on the Interface with the National Disability Insurance Scheme* for additional information.

4. **FACS Support for clients with complex requirements during transition**

NSW currently delivers a range of specialist and supporting functions for clients with disability with complex requirements through FACS. These functions, outlined below, will continue to be delivered at current levels to FACS clients, NDIS participants and those under continuity of support arrangements until 30 June 2018 when the NDIS will be fully operational in NSW. The majority of these supports are within the NSW in-kind contribution during transition. The capacity within those supports is determined by FACS and is directly aligned to the individual support needs of clients which can vary substantially. NSW in-kind contribution is subject of negotiation between NSW and the NDIA under the working arrangements for Element 10 (Implementation of Agreed Bilateral Funding Mechanisms) of the Operational Plan.

It is NSW’s expectation that the outcomes that these supports deliver for complex clients in NSW will continue to be achieved under full scheme, although NSW recognises that the manner in which the support is provided may differ from current arrangements – particularly as the market develops.

Each of these supports is well integrated, and recognised by, the community of NSW and other NSW agencies, particularly Justice and Health. Transitional arrangements will be required for these supports across the transition period to ensure that the community and other NSW agencies understand the alternatives to these supports within the full scheme environment.

Some of these matters will be explored within the context of the project being undertaken by NDIA and NSW by KPMG, due to conclude by the end of October 2016.

**Clinical Innovation and Governance**

The following functions and supports are delivered by FACS Clinical Innovation and Governance team. Many of these are transition quality and safeguarding functions and do not involve the provision of direct support to clients. Where they involve the provision of direct support as part of proposed arrangements between FACS and NDIA, FACS will determine the volume of support which will be made available to NDIS participants during transition, as negotiated under Element 10.

(1) **Clinical support, consultation and coordination (complex behaviours)**
Tertiary level assessment and intervention, mentoring and coaching, training, education, practice developments and complex case coordination to minimise risk and develop sustainable strategies for frontline services to adults and children who have complex behavioural needs, and where their current services are not able to meet these needs. Criteria and the mechanism for the referral of NDIS participants to this support will be agreed by FACS and the NDIA by 31 October 2016.

(2) Client monitoring, review and restricted practice authorisation

Complex case and expert independent clinical review of supports and services for identified people with highly complex support needs including those who are a risk to themselves or others and those subject of a reportable death to the Ombudsman in accordance with the Community Services (Complaints, Reviews and Monitoring) Act 1993. Restricted practice authorisation for clients and participants receiving services from FACS. Monitoring RPA use by FACS and non-government providers.

Following the transfer of disability accommodation and centre-based respite services to non-government providers, FACS will cease being responsible for restricted practice authorisation for clients of these services. Rather the successful non-government provider(s) will be responsible for restricted practice authorisations in accordance with FACS Behaviour Support Policy pending the finalisation and implementation of the quality and safeguards framework for the NDIS.

(3) Practice leadership, development and capacity building

Workforce capacity building for allied health practitioners and behaviour support practitioners including the development of practice guidelines, core practice standards, guidance on supervision practices and structures for allied health staff employed within the disability services sector and students, and delivering formal education and other learning and development initiatives including with the university sector.

(4) Clinical systems review, research and development

Independent review of clinical service systems (behaviour support) designed to improve quality and outcomes for people with disability.

Community Justice Program (CJP)

CJP supports people with intellectual disability who have had multiple contacts with the criminal justice system and who are exiting correctional settings. FACS provides intensive residential or drop in support (FACS and NGO operated), behaviour support and vacancy management for those accepted into this program. CJP services delivered by FACS are included as part of the suite of disability services being transferred by NSW to non-government providers.

Until services transfer, FACS will support the NDIS to manage access to vacancies in CJP group homes and drop-in accommodation services by assessing the suitability of participants to fill vacancies in services during transition to the NDIS.

Until services transfer, FACS will also continue to provide primary therapy and assessment and tertiary level assessment and intervention, mentoring and coaching, training, education and practice development to CJP service providers with current funded capacity. Criteria and the mechanism for the referral of NDIS participants and their service providers for this tertiary level support will be agreed by FACS and the NDIA by 31 October 2016. Supports delivered by FACS CJP to NDIS participants prior to transfer to a non-government provider(s) are within the NSW in-kind contribution.
currently subject of negotiation between NSW and the NDIA under Element 10 of the Operational Plan.

CJP providers will transition from FACS funding to cash through the identification of reasonable and necessary supports in each participants’ plan. Supported Disability Accommodation (SDA) treatment for housing stock will be negotiated as part of the working arrangements for Element 9. Following transfer the NDIA is responsible for funding reasonable and necessary supports including SDA when participants access supports from these providers.

**Integrated Support Program (ISP)**

ISP is a transitional program for 32 people with disability and significant challenging behaviour who are homeless and/or placed inappropriately in a mental health facility, hospital or institutional care. FACS provides intensive residential support, therapy, service model trial and transition support out of ISP. FACS also provides tertiary level assessment and intervention, mentoring and coaching, training, education and practice development for a further 30 clients annually (10 at any one time). ISP services delivered by FACS are included as part of the suite of disability services being transferred by NSW to non-government providers.

Until services transfer, FACS will support the NDIS to manage access to vacancies in ISP group home and drop-in accommodation services by assessing the suitability of participants to fill vacancies in services during transition to the NDIS.

Until services transfer, FACS will also continue to provide

- services for clients requiring the intensive accommodation support and therapy to re-enter the community
- service model determinations and transition planning for clients ready to leave the program
- Up to 3 months tertiary clinical support for clients who have left the program.

including for those NDIS participants where those supports are identified as being reasonable and necessary.

Criteria and the mechanism for the referral of NDIS participants for entry to intensive residential support or access to tertiary level support available through ISP during transition will be agreed by FACS and the NDIA by 31 October 2016. ISP supports delivered to NDIS participants prior to transfer to a non-government provider(s) are within the NSW in-kind contribution currently subject of negotiation between NSW and the NDIA under Element 10 of the Operational Plan, plus SDA treatment. Following transfer, the NDIA is responsible for funding reasonable and necessary supports and SDA treatment when accessed from these providers.

**Intensive support service (ISS)**

FACS is engaging a provider to deliver intensive support and accommodation services for a limited number of people with complex requirements where their existing arrangements have broken down. FACS will meet the cost of existing NSW disability clients who have yet to become participants of the NDIS as contracted with the provider until the point of their transition to the NDIS in accordance with the agreed NSW NDIS phasing. NSW and the NDIA will agree the arrangements to enable access to ISS by NDIS participants where that support is deemed reasonable and necessary. These arrangements will be agreed by 31 October 2016.
5. **Market Capacity**

A key consideration in the development of a strategy to transfer FACS specialist disability services to non-government organisations has been the appropriate response for people currently receiving support who have complex support needs.

FACS and NDIA have jointly engaged KPMG to undertake a scoping project designed to share information on the components NSW currently delivers to support clients with complex requirements and manage risk (including coordination with other agencies such as mental health and justice), and the NDIS model for supporting participants with complex requirements being developed by the NDIA. A key deliverable will be a strategy to enable and support the market to implement the NDIS model for this group during transition. This will include the role NSW might play in facilitating implementation of the NDIS model during Scheme transition. The project will also consider how bed capacity and the provider market continues to meet the needs of clients of the Community Justice and Integrated Services Programs during transfer of disability services to NGOs, transition to the NDIS, and full Scheme.

6. **Review Process**

These working arrangements will be reviewed on a quarterly basis and a status report will be provided to the NSW National Disability Insurance Scheme (NDIS) Implementation Steering Committee (NSNISC). The working arrangements will be refined as necessary during transition.

7. **Communication Approach**

Communication will articulate the NDIA’s capacity to support participants’ transition to the scheme including those with specific or complex requirements, with high level messaging for a number of stakeholders.

<table>
<thead>
<tr>
<th>Target Audience</th>
<th>Purpose</th>
<th>Method/Products</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants</td>
<td>Ensure participants with complex support needs and those from specific cohorts are aware of how the access and planning process will support them</td>
<td>Participant Pathway booklet Information Sheets</td>
<td>NDIA lead</td>
</tr>
<tr>
<td>Carers, and Families</td>
<td>Ensure that carers and families are confident that the needs of the person with a disability will be understood and responded to appropriately.</td>
<td>Participant Pathway booklet Pre-engagement activities</td>
<td>NDIA lead</td>
</tr>
<tr>
<td>Providers</td>
<td>Ensure service providers are aware of the role they</td>
<td>NDS Information Sessions and Provider</td>
<td>NDIA FACS as a</td>
</tr>
<tr>
<td>Target Audience</td>
<td>Purpose</td>
<td>Method/Products</td>
<td>Who</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>may play in supporting participants with complex support needs and from other specific cohorts to transition to the NDIS.</td>
<td>Sessions</td>
<td>service provider</td>
<td></td>
</tr>
<tr>
<td>NSW Mainstream Agencies/non-government providers</td>
<td>To raise awareness about the interface between NDIA, NSW and Commonwealth mainstream agencies, including roles, responsibilities and escalation/governance arrangements.</td>
<td>Information about the role of the Regional Operational Working Groups as the way to showcase good practice, develop on-the-ground working relationships, identify operational, systemic and policy issues.</td>
<td>FACS</td>
</tr>
</tbody>
</table>

8. Agreed Actions and Next Steps

<table>
<thead>
<tr>
<th>Actions/Next Steps</th>
<th>Responsible Agency</th>
<th>To be completed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial working arrangements endorsed</td>
<td>FACS/NDIA</td>
<td>[Date]</td>
</tr>
<tr>
<td>Implementation</td>
<td>FACS/NDIA</td>
<td></td>
</tr>
</tbody>
</table>
9. Attachments

Attachment A: Participant Pathways Process Maps
Attachment B: Working arrangements for specific cohorts
Attachment A: Participant Pathways Process Maps
**FIRST PLAN – Pre-planning and Plan Approval**

*NSW identified complex workflow to Agency planner only*
Prior to pre-planning meeting, Planner meets key worker

Participant receives an email and attends the pre-planning meeting

At pre-planning meeting, the planner gathers information including:
- Disability Security Indicator / Outcome Framework (if not completed during access)
- Risk Assessment
- Guided planning Q.
- Participant Statement Questions

Support coordination funded in plan to support transition, changes in need, and engagement with mainstream services

The Agency reviews information to determine if funded supports are RSSN and to make plan management decisions

NSW
Non-RSSN

NSW
No

Within 7 days of plan approval

Participant receives a copy of plan

Receive portal access notification

Hardened to LAC to implement plan

End

End

*Exception LAC Pilot (general and supported streams) in Victoria – refer scheduled plan review*
## Attachment B: Working arrangements for specific cohorts

<table>
<thead>
<tr>
<th>Cohort</th>
<th>Key outcomes</th>
<th>NSW Government actions</th>
<th>NDIA actions</th>
</tr>
</thead>
</table>
| **People with disability who are hard to engage, including Assisted Boarding House Residents (ABH)** | People with disability who are hard to engage (including ABH residents) are supported to access and participate in the Scheme to achieve outcomes of social and economic participation, where eligible. | • FACS to flag clients residing in ABH in the dataset shared with the NDIA under the Information and Data Management Working Arrangement.  
• FACS to provide details of an ABH resident’s guardian (where known) in the dataset shared with the NDIA. The guardian to be identified as the primary contact for the client.  
• FACS to advise the NDIA of those ABH residents who have their finances managed by the NSW Trustee and Guardian or a private financial manager, where known.  
• FACS to conduct planning readiness classes for ABH residents prior to meeting with their NDIA planner or LAC for the purposes of developing their plan.  
• ABH residents are encouraged to access decision support from appropriate service providers (e.g. People With Disability Australia).  
• Appropriate decision support providers are informed of phasing schedule for ABH so that they can offer this support to residents where appropriate.  
• FACS to prepare and provide ABH residents or their guardian, where possible with dossier outlining their current formal and informal support arrangements, as well as containing relevant diagnostic / clinical assessment / medical / psychiatric history that may be of use to the ABH resident and/or guardian/advocate in establishing eligibility to access the NDIS. | • Prior to access request, NDIA to  
  o meet with residents to introduce the scheme and identify willingness to access it  
  o undertake engagement activities with third parties, such as ABH key staff, local clinical team and hostel GP, including education about NDIS and the access and planning process  
• NDIA to hold pre-planning meetings with those who are hard to engage (including ABH residents) in a suitable location. These meetings will provide information on the arrangements that will apply to residents aged 65 and over where relevant.  
• All participants will have someone to support them to implement their plan. This will be either a Local Area Coordinator or a Support Coordinator depending on the participants needs. If a participant requires a high level of support to implement their plan and remain engaged in the participant pathway then they will receive funding for and be connected with a Support Coordinator.  
• Prior to conducting the planning meeting, the planner will consider FACS prepared dossiers, meet with the ABH proprietor to outline the planning process, their role in this process, and to obtain information on supports provided to residents by the ABH.  
• NDIA will allocate funded decision support to hard to engage participants where this is necessary to ensure their... |
<table>
<thead>
<tr>
<th>Cohort</th>
<th>Key outcomes</th>
<th>NSW Government actions</th>
<th>NDIA actions</th>
</tr>
</thead>
</table>
| School leavers   | Young people with disability are supported through a major life transition and to access the NDIS. | • Young people currently supported in Post School Programs – Community Participation and Transition to Work, to be included in the dataset provided to the Scheme Actuary and transitioned to the NDIS in line with the phasing schedule.  
• 2016 and 2017 school leavers will be identified as existing clients by NSW (as a result of the functional assessment) and be included in the dataset provided to the Scheme Actuary. These young people will be streamed for planning in quarter 2 with supports to commence from January in the following year or earlier if they are already identified in the dataset.  
• FACS and Education Sector to conduct functional assessments of school leavers with disability in term 2, in 2016 (Year 1 Districts) and 2017 (Year 2 Districts) between April and June.  
• FACS to obtain consent from families through the functional assessment to share assessment information with the NDIA.  
• FACS to communicate arrangements with families, and the Education Sector.  
• In August 2016 FACS to include school leavers residing in Year 1 districts in the dataset to the Scheme Actuary to be phased for NDIS engagement in the development of their NDIS plan, including to ABH participants. Options for the support person for the participant include:  
• A family member with close involvement, or a friend  
  o An independent organisation that provides decision support, e.g. People with Disability Australia, NSW Council for Intellectual Disability  
• A service provider who knows the resident well but does not have a conflict of interest such as where they will be seeking to be the person’s support provider under the NDIS. | • The 2016 and 2017 school leavers in Year 1 and 2 Districts will be provided with a plan of reasonable or necessary supports including community participation, SLES or other funded supports to commence from January of the following year.  
• The NDIA is working on streamlined communication material and providing information sessions for the school leaver cohorts.  
• All communication with school leavers in relation to NDIS is the responsibility of NDIA following the FACS communications sent to school leavers in September 2016 (Year 1 Districts) and September 2017 (Year 2 Districts).  
• The NDIA seeks to work with DoE about the ongoing arrangements post 2016 for supporting school leavers with disability. |
<table>
<thead>
<tr>
<th>Cohort</th>
<th>Key outcomes</th>
<th>NSW Government actions</th>
<th>NDIA actions</th>
</tr>
</thead>
</table>
| **Younger People in Residential Aged Care (YPIRAC)**                   | People under 65 years of age with non-aged related health conditions in Residential Aged Care are supported to access more age appropriate supports. | - NGOs funded by FACS to support YPIRAC are encouraged to prepare client dossiers to facilitate the person’s effective participation in planning and transition to the NDIS. Dossiers to be provided to the person, family member, or their guardian during the pre-planning phase and prior to meeting with the NDIA planner to discuss their first plan.  
- YPIRAC clients receiving FACS funded support are flagged as complex where they meet the definition in section 3.2 of this working arrangement. | - People under 65 years of age with non-aged related health conditions in Residential Aged Care will have someone to support them to implement their plan. This will be either a Local Area Coordinator or a Support Coordinator depending on the participants needs. If a participant requires a high level of support to implement their plan and remain engaged in the participant pathway then they will receive funding for and be connected with a Support Coordinator.  
- Clinical guidance is provided by relevant Practice Guides.                                                                 |
| **People who have not engaged with the disability**                    | People are supported to make an access request to transition.                 | - Clinicians and Health staff verify whether a client is likely to be eligible for NDIS supports, and has an urgent or immediate need for support.  
- For newly injured clients and those new to disability through non- | - People who have not engaged with disability services previously are streamed according to the level of resourcing the Agency needs to provide to support engagement.                                                                                                     |
<table>
<thead>
<tr>
<th>Cohort</th>
<th>Key outcomes</th>
<th>NSW Government actions</th>
<th>NDIA actions</th>
</tr>
</thead>
</table>
| services previously with chronic mental health issues or those with newly acquired disability such as traumatic brain injury | disability supports without losing access to proactive and/or treatment modalities. | traumatic means, their diagnosis will be conducted within the Health system. For people without a current diagnosis, their GP may have to be contacted to access their records.  
- NSW Health will provide advice, whether in person (with client permission) or through the client during their planning session, to ensure that all of the health related components are listed in the clients plan.  
- During the clients’ application, NSW Health will continue to provide acute Health support; ensuring that appropriate supports are in place before safely transferring care to the community (or other location).  
• Practice Guides also provide additional advice to the planner.                                                                                                                                                                                                                             |