

# Operational Plan Commitment between the National Disability Insurance Agency (NDIA), New South Wales Government and Commonwealth Government for Transition to Full Implementation of the NDIS

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## Background

This Operational Plan (the Plan) sets out the key deliverables agreed between the National Disability Insurance (NDIA), the New South Wales (NSW) Government and the Commonwealth Government to support the transition to the full National Disability Insurance Scheme (NDIS) in NSW. The primary purpose of the Plan is to operationalize the *Bilateral Agreement between the Commonwealth and New South Wales – Transition to a National Disability Insurance Scheme* (Bilateral Agreement), and its supporting schedules, agreed between Governments on 16 September 2015.

## 1. Terms of the NSW Operational Plan

### 1.1 Purpose

- 1.1.1 The Plan identifies a program of work and the responsibilities of the parties during the transition to the full NDIS and operationalizes the Bilateral Agreement.
- 1.1.2 The NSW and Commonwealth Governments and the NDIA acknowledge that the transition to the full Scheme is the shared responsibility of all parties that requires a considered approach, as supported by National, Commonwealth and NSW governance arrangements.
- 1.1.3 The Plan identifies the key elements required in NSW to transition to the full Scheme, including the respective roles and responsibilities of the NSW and Commonwealth Governments and the NDIA in achieving the outcomes in the Plan.
- 1.1.4 It is the expectation that the Plan development will be iterative as actions are undertaken and content developed. Changes to the Plan shall be by agreement of the signatories as specified in Clause 2.1.7 of the Plan.
- 1.1.5 The parties acknowledge actions agreed in the Operational Plan are to be implemented consistent with policies and frameworks agreed by the COAG Disability Reform Council and Council of Australian Governments.
- 1.1.6 The parties acknowledge that actions highlighted in the Operational Plan will continue to be shaped by the development and finalisation of a range of policy settings that will have flow-on impacts to the key elements critical for transition to the NDIS.

### 1.2 Working together

- 1.2.1 The Plan has been developed in partnership between the NDIA, the Commonwealth Government and the NSW Government. The parties are committed to closely collaborating on the Plan to ensure it is based on strong planning processes and a commitment to work in achieving the best possible outcomes for people with disability.
- 1.2.2 The NDIA, the Commonwealth Government and the NSW Government will act in partnership on the co-production and co-delivery of the actions detailed in the Plan, including through working groups established between the NDIA and jurisdictional representatives.

### 1.3 Key Elements

The following key elements have been identified by the NDIA and the NSW and Commonwealth Governments for managing the transition to the NDIS, drawing on lessons learnt from trial sites and building upon the NSW experience and knowledge in funding and managing the State's disability service system. The Plan will serve as a detailed operational roadmap to transition.

**Part 1** – Includes elements related to Scheme design and national policy that provide a framework for implementation. The implementation of these elements will commence as agreed in the Bilateral Agreements and further national policy development.

**Part 2** – Includes elements for transition that the NSW and Commonwealth Governments and the NDIA can work together on under current policy settings and existing inter-governmental agreements.

#### **Part 1 – Bilateral and National Policy Elements**

1. Phasing arrangements
2. Government workforce transition
3. NDIA locations and infrastructure
4. Quality and safeguards
5. Continuity of support arrangements for ineligible clients
6. Market readiness
7. Management of Mainstream Interfaces
8. Information, Linkages and Capacity Building (ILC)
9. Accommodation for participants (existing frameworks / funding / asset ownership / responsibility and repairs)
10. Implementation of Agreed Bilateral Funding Mechanisms

#### **Part 2 – Administration and Service Delivery Operating Model Elements**

11. Pre-intake preparations
12. Data exchange and systems planning
13. Inter-operability of NDIS legislation, NSW and Commonwealth legislation
14. Participant readiness
15. Participants / cohorts with specific requirements
16. Provider Readiness
17. Jurisdiction service delivery strategies
18. Functions to support system stewardship
19. Transition Working Arrangements for:
  - 19.1 Rural and Remote Locations
  - 19.2 Aboriginal participants
  - 19.3 Participants from CALD backgrounds
20. Public Communication and Engagement

## 2.1 NSW Operational Plan Governance

- 2.1.1 The NDIS National Governance forums have oversight of national policy and design for the Scheme. The NSW Governance arrangements have oversight of all bilateral issues that may impact specifically on the implementation of the NDIS in NSW.
- 2.1.2 The NSW NDIS Implementation Steering Committee (NNISC), consisting of officials from the NSW and Commonwealth Governments and the NDIA, will provide the monitoring, accountability and operational issues resolution for the deliverables agreed under each element of the Plan. Meeting arrangements for the NNISC will be agreed between the parties and will be set out in its Terms of Reference.
- 2.1.3 All NDIA networks with NSW coverage, including those with cross-state responsibilities, will be represented in the NSW governance arrangements. Agreement as to the executive membership, contributing members and the NSW representation will be required prior to the commencement of transition.
- 2.1.4 The NNISC will meet monthly or as required. Issues that require discussion or resolution in the intervening periods can be addressed out of session.
- 2.1.5 The NNISC has an assurance role in the delivery of transition to full Scheme in NSW, giving effect to the operational aspects of the Bilateral Agreement and Schedules. The NNISC will continually monitor and review risks including participant, market, sector and system readiness and have line of sight to the NSW Government Service Delivery transfer arrangements throughout the transition to the NDIS. The NNISC is a decision-making forum for operational matters that relate to implementing the bilateral agreement and has the responsibility for developing risk mitigation strategies to give effect to Clauses 48 to 51 of the Bilateral Agreement.
- 2.1.6 Matters relating to the terms of the Bilateral Agreement or NDIS funding or that cannot be resolved at the NNISC will be directed to the NSW NDIS Bilateral Steering Committee.
- 2.1.7 Where decisions have a broader national policy implications, issues will be referred to the National Disability Policy Group and the National Senior Officials Working Group.
- 2.1.8 To support the NDIS governance arrangements in NSW, Operational Working Groups will be established over time to streamline the interface between NSW Cluster Agency district structures and the NDIA Regions/Networks.
- 2.1.9 The Operational Working Groups will address operational, planning, administrative, program and service delivery events at a local level. These Groups will report to the NNISC.
- 2.1.10 The Plan will include the Working Arrangements developed between the NDIA and the NSW and Commonwealth Governments to achieve the outcomes described under each element in the Plan to support the transition to full Scheme in NSW.
- 2.1.11 Working Groups with representation from the NSW and Commonwealth Governments and the NDIA may be established to implement the agreed activities under each element of the Plan. The working arrangements to deliver on the Plan

must support the sustainable and effective implementation of the NDIS, including cost effectiveness, productivity and strong insurance principles.

- 2.1.12 Any of the parties to the Plan may request a review of the Plan at any time. Any changes to the Plan, excluding amendments to appendices must be agreed between all the signatories to the Plan.

## **2.2 Progress monitoring and reporting**

- 2.2.1 The implementation of the Plan will be aligned with sound and responsive project management practices by each of the parties to the agreement, who will closely monitor the progress toward achieving the deliverables under the Plan.
- 2.2.2 The NNISC will monitor and report on the delivery of agreed outcomes under each of the elements identified in the Plan on a regular basis. The NNISC will maintain a Risk Register and an Issues Register to record key risks and issues respectively and their timely treatment and resolution during the transition period.
- 2.2.3 Monitoring and reporting arrangements agreed between the NSW Government, the NDIA and the Commonwealth Government are below.
- 2.2.4 Reporting on progress of deliverables and issues related to the Plan to the NNISC at least monthly or as required by agreement.
- 2.2.5 Reporting on performance measures in the timeframes set out in Schedule G (Integrated NDIS Performance Reporting Framework) of the Bilateral Agreement, or as required by agreement.
- 2.2.6 Officials reporting within the agreed National Governance.
- 2.2.7 The parties acknowledge that failure to deliver on the elements outlined in the Plan places the implementation of the full NDIS at risk, with consequences for the financial sustainability and public support for the NDIS.

## **2.3 Privacy**

- 2.3.1 Each party agrees that it will ensure its officers, employees, contractors and agents will at all times comply with all applicable privacy laws, including the Privacy Act 1988 (Cth) and the Privacy and Personal Information Protection Act 1998 (NSW) to the extent that those laws apply to the party or the party's officers, employees, contractors or agents or the personal information held by, or available to, that party.
- 2.3.2 The information about participants that the NDIA may disclose to other parties including the NSW Government under this agreement is 'protected information' for the purposes of the National Disability Insurance Scheme Act 2013 or any relevant privacy direction in place within NSW. A person may only collect, use, or disclose such information in accordance with that Act or any relevant privacy directions in place in NSW.
- 2.3.3 The NDIA will treat any actuarial analysis conducted using client data or funding information provided to it by the NSW and the Commonwealth Governments as 'protected information' and undertakes not to share this information with any other

party, other than with the written agreement of Governments. This arrangement will be formalised by an Exchange of Letters.

## **2.4 Confidentiality**

- 2.4.1 All information exchanged in relation to the implementation of this agreement between the NDIA, NSW Government and the Commonwealth Government is confidential. A party (“Recipient”) must not disclose to third parties, or use for any purpose other than the purpose for which it was provided any confidential information obtained from the other party (“Discloser”) unless that disclosure or use is:
- Specifically authorised in writing by the Discloser;
  - Required by law or expressly permitted by law; or
  - To legal advisers genuinely for the purpose of obtaining legal advice.

## **2.5 General**

- 2.5.1 Each party enters this agreement within the context of its respective jurisdiction. Neither party may, except as expressly provided in this Agreement, act on behalf of, represent itself as an agent for, or otherwise bind, the other party.

## **Part 1 – Bilateral And National Policy Elements**

### **1.0 Phasing Arrangements:**

The Bilateral Agreement and Schedules for full Scheme transition detail high level phasing arrangements for each jurisdiction. The NDIS Legislative Rules will provide the detailed phasing for transition to full Scheme. The phasing and related funding arrangements are set out in Schedule A (Participant Transition Arrangements in NSW) and Schedule B (Financial Contributions for Transition) of the Bilateral Agreement.

#### **Deliverables:**

A NSW Transition Phasing Rule and detailed Phasing Schedule will give practical effect to Schedule A and B of the Bilateral Agreement to enable timely and efficient phasing of eligible participants to the NDIS.

#### **Timeframes:**

The NSW Transition Phasing Rule will be developed by the Commonwealth and NSW Governments by Quarter 3 2015/16. The detailed phasing schedule for 2016/17 and 2017/18 will be developed and agreed by the NSW and Commonwealth Governments, in consultation with the NDIA, by Quarter 3 2015/16 and Quarter 3 2016/17 respectively and implemented in sequence throughout transition.

#### **Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 2.1.1 Access requests made by outcome
- 2.1.2 Eligible participants against bilateral targets, including key characteristics
- 2.1.3 Participants with approved plans against bilateral targets
- 2.1.4 Trends in plan approvals
- 2.1.5 Access request to plan approval within different timeframes
- 2.1.6 Ineligible participant numbers and key characteristics
- 2.2.4 Details of participants with second plans, including length and value of supports

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

#### **Outcome:**

Timely agreement on the detailed Phasing Schedule and the NSW Transition Phasing Rule will allow the NDIA adequate time to stand up sites and engage in pre-planning for participants. This will result in meeting planned start dates for phasing cohorts.

### **2.0 Government Workforce Transition:**

To give effect to both Clause 35 of the Heads of Agreement between Commonwealth and NSW Governments on the NDIS and Clause 31 of the Bilateral Agreement, a specific workforce schedule will be agreed (Schedule H) in addition to working arrangements for state-wide implementation at transition.

**Deliverables:**

The First Offer of Employment Working Arrangements will be agreed between the NSW and Commonwealth Governments and the NDIA to give effect to the Bilateral Agreement Schedule H, which will be developed by December 2015.

**Timeframes:**

The First Offer of Employment Working Arrangements will be finalised by Quarter 3 2015/16 after Schedule H is complete.

**Performance Measures:**

The number and proportion of NDIA jobs located in NSW available for first offer.

The number and proportion of ongoing NDIA roles across all classifications filled by NSW Government disability staff.

**Outcome:**

An appropriately skilled workforce will positively impact on the NDIA's capacity to support participants to access the Scheme. Knowledge of local NSW disability networks, mainstream interfaces, communities, and sector is transmitted into the new system.

### **3.0 NDIA Locations and Infrastructure:**

The NDIA will have a physical presence during transition and at full Scheme, including a network of offices and staff within local communities.

**Deliverables:**

An NDIA Location and Infrastructure Strategy and Implementation Plan that aligns with agreed phasing arrangements and which takes into consideration strategic property procurement and existing Commonwealth and State infrastructure.

**Timeframes:**

The NDIA Location and Infrastructure Strategy and Implementation Plan will be developed by Quarter 2 2015/16. The NDIA will establish a physical presence in locations prior to the agreed phasing between Governments as outlined in the NDIA Location and Infrastructure Strategy and Implementation Plan. The NDIA sites and infrastructure will be progressively rolled out throughout transition and will be located and staffed commensurate with the participant profile identified in the detailed Phasing Schedule.

### **Performance Measures:**

The number, location and status of site establishment will be reported on a monthly basis by the NDIA, including:

- The number and type of sites (being public facing, physical presence, fit for purpose) funded for Year 1 transition, established (Target: 100%); and
- The number and type of sites (being public facing, physical presence, fit for purpose) funded for Year 2 transition, established (Target: 100%).

### **Outcome:**

The NDIA will have an appropriate physical presence that supports participant access into the Scheme.

## **4.0 Quality and Safeguards:**

Governments have agreed to the development of a national approach to quality and safeguards as part of the NDIS. To give effect to Schedule F (Transition Arrangements for Quality and Safeguards in NSW) of the Bilateral Agreement, working arrangements will be developed for state-wide implementation at transition.

### **Deliverables:**

The Transitional Quality Assurance and Safeguards Working Arrangements (Transitional Working Arrangements) will ensure the operation of consistent quality assurance and safeguarding arrangements during transition in NSW.

The NSW Government will ensure that the Transitional Working Arrangements reflect a state-wide response, including mainstream agencies. Commonwealth requirements for Quality Assurance and Safeguards will also be included. This work will be incorporated into the Transitional Working Arrangements.

### **Timeframes:**

The Transitional Quality Assurance and Safeguards Working Arrangements will be drafted for agreement by Quarter 3 2015/16. These Working Arrangements will remain in place until they are superseded by the National Quality and Safeguards Framework to be implemented by July 2018.

An interim communications product for NDIS registered providers will be developed early in Quarter 3 2015/16.

### **Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 1.1.1 Proportion of participants, and their families and carers who report improved economic and social outcomes (as measured by the NDIA outcomes framework)

- 1.1.2 Proportion of participants who attain the goals outlined in their plans (as measured by the NDIA's Goal Attainment Scale)
- 1.1.3 Participant satisfaction

Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):

- 3.3 Proportion of participants, and their families and carers, who report being able to exercise choice (as measured by the NDIA outcomes framework)

Additional performance measures will be developed when the Transitional Working Arrangements are finalised. This may include performance measures related to:

- Registered providers achieving independent verification against the NSW Disability Services Standards or equivalent standards
- Formal complaints made to the NDIA
- Serious or reportable incidents reported to the NDIA or other agencies, including but not limited to the NSW Ombudsman

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

Current level of quality and safeguard mechanisms is maintained for NSW residents who become NDIS participants.

## **5.0 Continuity of Support Arrangements for Ineligible Clients:**

To give effect to Schedule D to the Bilateral Agreement, the NDIA will establish Information, Linkages and Capacity Building (ILC) arrangements to support people who have been in receipt of state based specialist disability supports, but are not eligible for the NDIS. The ILC supports will facilitate the person to transition to alternative arrangements over time.

**Deliverables:**

The NDIA and the NSW and Commonwealth Governments will develop the Continuity of Support Working Arrangements for existing clients of NSW and Commonwealth specialist disability programs who are under 65 years, or Aboriginal and Torres Strait Islander people who are under 50 years, and who do not meet the access requirements for the Scheme; and all existing clients aged 65 and over, and Aboriginal and Torres Strait Islander clients aged 50 and over.

**Timeframes:**

The Continuity of Support Working Arrangements for existing clients under 65 years of age or Aboriginal and Torres Strait Islander clients under 50 years and who are not eligible, will be agreed by the NSW Government by Quarter 4 2015/16.

The Continuity of Support Working Arrangements for those clients aged over 65 years or over 50 years for Aboriginal and Torres Strait Islander clients will be agreed by the Commonwealth Government by Quarter 4 2015/16.

### **Performance Measures:**

The Level B and other performance measures outlined below to be reported for ineligible people receiving NSW and Commonwealth specialist disability services who are under the age of 65 or Aboriginal and Torres Strait Islander people under the age of 50 years assisted to achieve similar outcomes to the outcomes they were achieving prior to the introduction of the NDIS, through provision of access to ILC supports.

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 3.2.1 Number of participants and other people with a disability supported by LACs by participant characteristics.
- 3.2.2 Descriptions of activities undertaken [by LACs] on ILC including dollars spent by regions and activities.
- 3.3.1 Number of participants and other people with a disability supported by ILC activities by participant characteristics.
- 3.3.2 Descriptions of activities undertaken on ILC including dollars spent by regions and activities.

The NDIA to report on the number of ineligible people receiving NSW and Commonwealth specialist disability services who are under the age of 65 transitioned from ILC supports to alternative arrangements.

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly, including:

- The number of people receiving NSW and Commonwealth specialist disability services aged 65 and over, and Aboriginal and Torres Strait Islander people aged 50 and over for whom administrative responsibility is transferred to the Commonwealth Government consistent with the staged geographical sequence and estimated quarterly intake specified in Schedule D to the Bilateral Agreement.

### **Outcome:**

Appropriate support mechanisms are established ensuring people are not disadvantaged during the transition to the full roll-out of the NDIS and avoiding the risk of potentially escalating costs to the Scheme and unintended impacts to mainstream supports.

## **6.0 Market Readiness:**

Governments will share existing knowledge of the local market for disability supports with the NDIA, including any existing gap analyses or market development activities in place, to put into effect Clause 29 of the Bilateral Agreement and Schedule E (Sector and System Readiness in NSW) of the Bilateral Agreement. The NDIA will develop Working

Arrangements that will detail implementation activities to support readiness of the disability services market, incorporating providers, broader sector, workforce and participants (Bilateral Agreement; Clause 29) as identified in the NDIS Integrated Market, Sector and Workforce Strategy.

The parties will utilise existing levers to influence market responsiveness to meet the demand for disability supports during transition.

**Deliverables:**

Working Arrangements to implement the NDIS Integrated Market, Sector and Workforce Strategy will be developed to share information about market gaps, promoting market access and maximising choice and control for participants in NSW and to enable the NDIA to undertake market development activities. These arrangements will detail roles and responsibilities associated with the implementation.

**Timeframes:**

The NDIS Integrated Market, Sector and Workforce Strategy working arrangements and activities will start in NSW by Quarter 2 2015/16.

**Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 1.2.1 Number of registered service providers by characteristics and market profile

The NDIA and NSW Government will work together to include in the analysis of provider characteristics and market profile:

- The number of providers who exit or reduce their support offerings during transition.
- The number of providers who expand their support offerings during transition.
- The number of new providers who register during transition.

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

Participants will have choice and control in regards to their plan implementation that will enhance their social and economic participation within their local communities.

**7.0 Management of Mainstream Interfaces:**

The NDIA and NSW and Commonwealth Governments will support participants' access to mainstream services where required as outlined in the Applied Principles and Tables of Support (APTOS) agreed by COAG. Governments will work with the NDIA to ensure the interface between the NDIS and mainstream services is managed efficiently and effectively at the local level and in line with COAG policy decisions and to give effect to Schedule I

(Arrangements for the interface between the NDIS and mainstream services in transition) to the Bilateral Agreement.

**Deliverable:**

Mainstream Interface Working Arrangements will be established to ensure national consistency in relation to the intersections with mainstream agencies as per the revised Mainstream Interface Principles and Tables of Support. Client pathways will reflect how people interact locally with the NDIS and other services in NSW.

**Timeframes:**

The revised Mainstream Interface Principles and Tables of Support will be available by Quarter 2 2015/16. The detailed Mainstream Interface Working Arrangements will be completed by Quarter 3 2015/16.

**Performance Measures:**

The number of instances where the operationalisation of the Mainstream Interface Principles and Tables of Support results in unintended consequences requiring escalation to the NNISC or other Bilateral governance structures for resolution (Bilateral Agreement, Schedule I, Clause 8).

Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):

- 3.1.1 Referrals to mainstream services (participants and non-participants through Information, Linkages and Capacity Building (ILC)).
- 3.1.2 Proportion of participants accessing mainstream services.
- Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):
  - 3.1.1 Number of participants accessing mainstream services by service type.

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

Participants' service needs are met to reasonable and necessary standards. Scheme sustainability is ensured because the NDIS funds are used to provide supports the NDIS is legislated or funded to provide. Participants receive supports from the most appropriate service system.

## **8.0 Information, Linkages and Capacity Building (ILC):**

The parties agree to work together to ensure ILC type supports are available during the transition in line with phasing. This will ensure a robust system of ILC supports that supports transition and complements support to participants as well as providing support to non-participants and the community.

**Deliverable:**

An ILC Commissioning Framework and an ILC Transition Working Arrangements to guide the provision of ILC type supports during transition and at full Scheme.

**Timeframes:**

The ILC Transition Working Arrangements will be agreed by Quarter 3 2015/16 and implemented throughout transition.

The ILC Commissioning Framework will be released by Quarter 3 2015/16.

**Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 3.2.1 Number of participants and other people with a disability supported by LACs by participant characteristics.
- 3.2.2 Descriptions of activities undertaken [by LACs] on ILC including dollars spent by regions and activities.
- 3.3.1 Number of participants and other people with a disability supported by ILC activities by participant characteristics.
- 3.3.2 Descriptions of activities undertaken on ILC including dollars spent by regions and activities.
- Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):
  - 3.3.1 Number of people supported through ILC.
  - 3.2.1 Activities undertaken by the NDIA to Increase community awareness of the issues that affect people with disability.
  - 3.1.1 Referrals to mainstream services (participants and non-participants through Information, Linkages and Capacity Building (ILC))

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

A holistic approach to the delivery of ILC supports that promotes collaboration and partnership with local communities and mainstream and universal services to create greater inclusivity and accessibility of people with disability and ensures the sustainability of the Scheme.

**9.0 Accommodation (existing frameworks / funding / asset ownership / responsibility, maintenance and repairs):**

The NDIA and the NSW Government will agree a process to give effect to the arrangements set out in Schedule J to the Bilateral Agreement in relation to specialist disability accommodation.

Commonwealth, State and Territory governments are developing an initial Specialist Disability Accommodation Pricing and Payments Framework for the NDIS that includes an approach to user cost of capital in the scheme.

The approach to the Pricing and Payments Framework approved by the Disability Reform Council (DRC) will be used by the NDIA to develop benchmark prices in consultation with jurisdictions and the sector.

NDIA will also work with the NSW and the Commonwealth Governments to implement innovative accommodation pilots to help expand the supply of appropriate and sustainable integrated housing and support models for people with disability in NSW.

**Deliverables:**

The NSW Government will develop Working Arrangements to manage changes to management and ownership of state owned and managed disability accommodation portfolio during transition to full Scheme.

The NDIA will develop Working Arrangements for the implementation of the framework for funding participants and providers for specialist disability housing.

**Timeframe:**

NSW Working Arrangements to manage the impact of accommodation changes during transition will be developed by Quarter 3 2015/16 and implemented throughout transition.

**Performance Measures:**

Performance Measures will be developed when the Working Arrangements for the implementation of the framework for funding participants and providers for specialist disability housing are finalised.

**Outcome:**

NDIS funding is provided for participants assessed as needing specialist disability accommodation.

**10.0 Implementation of Agreed Bilateral Funding Mechanisms:**

Governments and the NDIA will jointly consider the practical considerations of the Bilateral Agreement regarding the funding of Government programs and the management of in-kind supports (Bilateral Agreement, Schedules B, C and G).

**Deliverable:**

Transition Financial Management Working Arrangements will define clear responsibilities for efficient administration of funding mechanisms, the maintenance of Government supports, services and programs, the management of in-kind and bulk purchase arrangements, and performance reporting for transition to full Scheme.

**Timeframes:**

The Working Arrangements will be agreed in Quarter 3 2015/16. Implementation will be aligned with the phasing schedule.

**Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 2.2.1 Committed support
- 2.2.2 Actual payments
- 2.2.3 Average and median package costs by sub-groups of the population and for all participants compared with the expected averages and medians, including trends
- 2.2.4 Details of participants with second plans, including length and value of supports
- 2.2.5 Distribution of package costs
- 2.3.1 Cost of the NDIS in dollar terms and as a percentage of GDP (split by participants aged under 65 and over 65). This measure will include NDIA operating costs
- Schedule G of the Bilateral Agreement – Level A measures (NDIA reported annually):
  - 2.1.1 Comparison of actual expenditure against projected expenditure
  - 2.1.2 Changes in medium and long-term expenditure projections
  - 2.1.3 Projected expenditure matches projected revenue over the medium-term and long term
  - 2.1.4 NDIA operating expenses ratio
  - 2.1.5 Reduction of long-term cost trends against population, price and wages growth
  - 2.1.6 Estimated future lifetime costs of support for current clients (NPV)
    - Including disaggregation for new and existing clients by client group

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

Financial sustainability of the NDIS and ability to provide reasonable and necessary supports to people with disability.

## **Part 2 – Administration and Service Delivery Operating Model**

### **11.0 Pre-intake Preparations:**

NSW and the Commonwealth Governments and the NDIA will agree on preparations (not covered elsewhere in this plan) to be completed prior to transition commencing, that will streamline the eligibility and intake of participants into the NDIS commencing from 1 July 2016.

#### **Deliverable:**

Pre-intake Preparation Working Arrangements to effect streamlined intake of potential participants into the Scheme in accordance with Schedule A to the Bilateral Agreement and to respond to the varying needs of potential participants.

#### **Timeframes:**

The Pre-Intake Preparation Working Arrangements will be developed and implemented to align with the commencement of participant pre-planning activity in Quarter 3 2015/16.

#### **Performance Measures:**

Performance measures for Element 11.0 Pre-intake Preparations are common to Element 1.0 Phasing Arrangements and Element 14 Participant Readiness.

#### **Outcome:**

Phasing targets are achieved through participants' streamlined eligibility and intake to the scheme, ensuring they receive reasonable and necessary supports.

### **12.0 Data Exchange and Systems Planning:**

The NSW and Commonwealth Governments and the NDIA will work together to maximise the use of data on existing specialist disability clients, their current supports, and support providers to manage the seamless transition of those clients to the full Scheme (Bilateral Agreement; Clauses 39-41; Schedule E, Clause 4).

#### **Deliverable:**

An Information and Data Management Working Arrangement including details of a data standard, data collection, data cleansing, data matching, data storage and data transfer activities with the NDIA, to support streamlined intake to the NDIS and associated timeframes.

#### **Timeframe:**

An Information and Data Management Working Arrangement will be developed and legal authorisation for that Working Arrangement to be confirmed by Quarter 2 2015/16 and subsequently implemented by NDIA and the Commonwealth and NSW Governments in line with pre-transition arrangements (Element 11) and phasing (Element 1).

**Performance Measures:**

NSW data, as per the Information and Data Management Strategy, is provided to the NDIA in advance of commencement of Year 1 and Year 2 transition.

Funded providers return the requested data to NSW within the agreed timeframe.

**Outcome:**

The NDIA will implement streamlined participant access to the Scheme, which will avoid delays against the agreed phasing schedule. Participants will gain benefit from the NDIS resulting in increased social and economic participation.

**13.0 Inter-operability of NDIS Legislation with NSW and Commonwealth Legislation:**

The NSW and Commonwealth Governments will review their own legislation to ensure it supports and does not impede the transition to full Scheme. Additionally lessons may be learnt from monitoring the outcomes of relevant evaluations, reviews and the experience of trial site operations.

Where legislation or regulation is identified as inconsistent with the NDIS Act 2013, the NSW and Commonwealth Governments will develop and implement remediation strategies in conjunction with the NDIA to manage these inconsistencies during the transition period.

**Key areas include, but are not limited to:**

**Quality and Safeguards:** Role of the NSW Ombudsman, Guardianship and Nominees, Boarding house legislation and regulations, Mainstream Services, restrictive practices, Mental Health, Child Protection, The Children's Guardian.

**Regulatory and administration:** Business registration, Work Health and Safety regulations, building codes (group homes).

**Deliverable:**

The NSW and Commonwealth Governments will develop Inter-operability Working Arrangements to mitigate any legislative or administrative inconsistencies, with remediation strategies defined and implemented prior to transition.

**Timeframe:**

The Working Arrangements will be developed and remediation strategies identified by Quarter 3 2015/16, or earlier. Implementation to occur prior to commencement of transition, with legislative changes enacted as identified in the Working Arrangements.

**Performance Measure:**

Remediation strategies including regulatory or administrative changes developed by the NSW and Commonwealth Governments to support full Scheme are in place by June 2018.

**Outcome:**

Reputational risk to the NSW Government and the NDIA is managed and potential legal action against the NSW or Commonwealth Government and the NDIA is avoided.

**14.0 Participant Readiness:**

Governments and the NDIA will identify and implement strategies to support and prepare people with disability, their families and carers to transition to the NDIS and maximise their capacity to exercise choice and control (Bilateral Agreement, Schedule E, Clause 5b).

This includes establishing or reshaping existing ILC type supports to support participant readiness activities including plan development. In the six months in advance of transition, the NDIA will provide Local Area Coordination functions to facilitate the smooth transition of participants into the NDIS (Bilateral Agreement; Schedule A; Clause 18).

**Deliverables:**

Participant Readiness Working Arrangements to support and prepare people with disability, their families and carers to transition to the NDIS, including plan development, to meet the timeframes for transition in the Bilateral Agreement.

The NDIA will provide Local Area Coordination (LAC) functions six months in advance of the scheduled phasing of a service district (Bilateral Agreement, Schedule A, Clause 18).

**Timeframes:**

The Working Arrangement for the LAC functions six months in advance will be developed by NDIA and the NSW Government by Quarter 2 2015/16 and will be implemented in advance of NDIS commencing in an area. The Strategy for the two year phasing schedule will be developed by Quarter 2 2015/16.

**Performance Measures:**

NDIA to report on quantitative and qualitative monthly reports on activity related to participant readiness and capacity building to support engagement in the planning process.

NDIA to report the number of people receiving pre-planning and planning from Local Area Coordination (6 months in advance of transition), reported monthly by cohort, compared to total modelled cohorts in defined programs.

**Outcome:**

Participants have access to pre-planning and plan development supports to enable them to access the Scheme without delays and in line with the phasing schedules.

**15.0 Participants / Cohorts with Specific or Complex Requirements:**

Some prospective participants and cohorts of prospective participants may require additional pre-planning support by the NDIA and Governments to ensure their access the NDIS is seamless and ongoing support requirements are met.

**Deliverable:**

Agreed Working Arrangements for participant cohorts with specific or complex needs that identifies prospective participant cohorts who have specific or complex requirements and the additional strategies required to ensure participants in each identified cohort experience a transition appropriate to their circumstances.

**Timeframe:**

The working arrangements will be developed by Quarter 3 2015/16 to be implemented prior to transition.

**Performance Measures:**

The NSW Government to report on the number of existing NSW clients captured in the data extract with identified specific or complex needs.

NDIA to report on the number and percentage of NSW clients with specific or complex needs referred to respective intensive planning streams.

The NSW Government to provide regular reporting of pre and post transition supports (support types, hours, funding value) clients with specific or complex needs.

**Outcome:**

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

**16.0 Provider Readiness:**

Provider readiness means that providers delivering support or products to NDIS participants are able to offer quality services, operate within a contestable funding environment, and adapt to NDIS systems and processes. Providers will also play a key role in supporting the transition of their existing clients to the NDIS (Bilateral Agreement, Clause 29; Schedule E, Clause 5a).

Communication and education strategies will help ensure existing and potential providers are ready to participate in the NDIS, minimise risks to support continuity, and assist

providers' transition to full Scheme. Local activities will focus on practical issues such as provider registration, invoicing arrangements, cash-flow management, and promoting information and advice channels.

For the purposes of this Operational Plan, Provider Readiness is considered a subcomponent of Market Readiness (Element 6.0).

**Deliverable:**

The NDIA will develop and implement national approaches to provider readiness. Working Arrangements will be developed in consultation with the NSW and Commonwealth Governments, to ensure optimum preparedness for the Scheme, leveraging existing government investment in sector development activities and infrastructure (Bilateral Agreement, Schedule E, Clause 7).

**Timeframe:**

The Working Arrangements will be developed by Quarter 2 2015/16.

**Performance Measures:**

The performance measures for Element 16.0 Provider Readiness are common with the performance measures for Element 6.0 Market Readiness.

**Outcome:**

Provider sustainability and service availability are improved in areas where there are historically limited markets. Participants are able to exercise choice in designing their support package through access to reasonable and necessary supports as providers have business operating models in place that allow them to operate successfully in the NDIS market.

## **17.0 NSW Government Exit from Direct Provision of Disability**

**Supports:**

The NSW Government has informed the Commonwealth Government of its intention to withdraw from the delivery and administration of specialist disability services.

**Deliverable:**

The Service Delivery Transfer Strategy will manage transition issues arising from the NSW Government withdrawing from the direct provision of disability and related supports during the transition period to ensure continuity of key functions currently provided by the NSW Government.

**Timeframe:**

The Strategy will be developed by the NSW Government and shared with the NDIA as it becomes known.

**Outcome:**

The withdrawal of the NSW Government from direct provision of disability and related supports has no impact on the provision of reasonable and necessary supports to NDIS participants.

**18.0 Functions to Support System Stewardship:**

The NSW Government will work with the Commonwealth Government and the NDIA to support the orderly transmission of relevant State-based knowledge and systems to the NDIS, where this complements and adds to the intent of the Scheme. Arrangements to ensure continuity of key functions currently provided by the NSW Government that are necessary to full scheme will be outlined in the Operational Plan and Schedule H (Workforce) of the Bilateral Agreement.

**Deliverable:**

System Stewardship Management Working Arrangements to support the identification and potential transfer of key FACS administrative functions relevant state-based knowledge and expertise to the most appropriate body.

**Timeframe:**

The Working Arrangements will be developed by Quarter 3 2015/16.

**Performance Measure:**

The NSW Government to report on the administrative and stewardship functions transferred within the identified timeframes.

**Outcome:**

Functions, knowledge and expertise transferred from the State system to identified parties to ensure continuity of function.

**19.0 Transition Working Arrangements for People in:**

- Rural and Remote Locations,
- Aboriginal and Torres Strait Islander Communities, and
- Culturally and Linguistically Diverse (CALD) Communities

The transfer of knowledge, expertise and practice capability and identification of the additional data required specific to participant, provider and market readiness activities is required to support the smooth transition to the NDIS for participants who live in Rural and Remote locations, Aboriginal participants, their families, carers and communities and participants, their families, carers and communities from CALD backgrounds.

**19.1 Transition Working Arrangements for People in Rural and Remote Locations:**

Those delivering services to Rural and Remote locations face the challenges of geographic spread, low population density, limited infrastructure, and difficulty in attracting and maintaining professional personnel.

**Deliverable:**

NSW and Commonwealth Governments will share local knowledge and current practices for the NDIA to incorporate into Working Arrangements to implement the NDIA Rural and Remote Strategy.

**Timeframe:**

The Working Arrangements will be developed by NDIA by Quarter 3 2015/16 to be implemented in line with the phasing schedule.

**Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 2.1 Participant characteristics
- 2.2 Support Packages

With comparison of experience in rural and remote locations with metropolitan areas.

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

Access to the NDIS for people in Rural and Remote locations will allow them to achieve their capacity to participate in the Scheme and realise social and economic benefits.

**19.2 Transition Working Arrangements for People in Aboriginal and Torres Strait Islander Communities:**

The largest population of Aboriginal and Torres Strait Islander people (Aboriginal people) in Australia reside in NSW. The NSW and Commonwealth Governments and the NDIA will develop Working Arrangements to implement the NDIA Aboriginal and Torres Strait Islander Engagement Plan and support the delivery of the NDIS to Aboriginal participants, their families and carers, and their communities.

**Deliverables:**

NSW and Commonwealth Governments will transfer knowledge, expertise and practice to support Aboriginal people to transition to the NDIS and incorporate this into the Working Arrangements to be developed by the NDIA to give effect to the NDIA Aboriginal and Torres Strait Islander Engagement Plan.

**Timeframe:**

The Working Arrangements will be developed by the NDIA by Quarter 3 2015/16 to be implemented in line with the phasing schedule.

**Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 2.1 Participant characteristics
- 2.2 Support Packages

With comparison of Aboriginal and Torres Strait Islander experience against the same measures for all participants.

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

The Scheme is sensitive to and supports the needs of Aboriginal participants, their families, carers and communities in NSW.

**19.3 Transition Working Arrangements for people in Culturally and Linguistically Diverse (CALD) Communities:**

In NSW, approximately two hundred languages other than English are spoken, 45% of the population are either born overseas or have at least one parent born overseas and 17% of people who speak languages other than English do not speak English at all or not well. Governments and the NDIA will work together to support people with disability, their carers, families and communities to have a smooth transition to the Scheme in line with the phasing schedule.

**Deliverables:**

The NDIA Multicultural Plan 2014 – 2016 Respecting Diversity, Improving Responsiveness will inform agreed Working Arrangements for NSW.

**Timeframes:**

The NDIA Multicultural Plan 2014 – 2016 Respecting Diversity, Improving Responsiveness will be developed by Quarter 3 2015/16.

The Working Arrangements will be developed by NDIA by Quarter 3 2015/16 to be implemented in line with the phasing schedule.

**Performance Measures:**

Schedule G of the Bilateral Agreement – Level B measures (NDIA reported quarterly):

- 2.1 Participant characteristics
- 2.2 Support Packages

With comparison of CALD experience against the same measures for all participants.

Other performance measures as developed by the NSW and Commonwealth Governments from the activity data provided monthly.

**Outcome:**

The Scheme is sensitive and supports the needs of participants from a CALD background in NSW.

**20.0 Public Communication and Engagement:**

The NSW and Commonwealth Governments and the NDIA will work together to develop a joint Communication and Engagement Strategy and a range of associated plans to communicate the NDIS to a range of stakeholders including the general public, existing NSW clients, potential participants and other niche audience groups. The joint strategy will reflect the agreed national communications strategy and protocols for transition to full scheme.

**Deliverable:**

A NSW Communication and Engagement Strategy and local communication plans and other communication plans for special projects or niche audiences as required.

**Timeframes:**

The Communication and Engagement Strategy will be developed by Quarter 2 2015/16.

Communication plans for local areas transitioning in Year 1 will be completed by Quarter 3 2015/16.

Communication plans for local areas transitioning in Year 2 will be completed by Quarter 3 2016/17.

**Performance Measure:**

Actions outlined in the Communications and Engagement Strategy are delivered with consistent messaging, according to the agreed schedule and channel.

**Outcome:**

People with disability, their families and cares and providers have the information they need to successfully transition to the NDIS.

The general public are aware of the NDIS and its benefits and are supportive of the scheme.