

4 September 2017

Transfer of disability services - accommodation and service agreements

As part of the NSW Government's commitment to the NDIS, it is transferring all services it provides directly to people with disability to the non-government sector by 1 July 2018.

Currently, Supported Independent Living (SIL) services and Specialist Disability Accommodation (SDA) services are being provided by the Department of Family and Community Services (FACS). The NDIS prefers that SIL and SDA services are provided by separate providers so that residents have more choice and control over their services and supports.

What will SIL and SDA providers do?

- A SIL provider delivers onsite disability and daily living services. It is not expected that transferring FACS staff will change as a result of the transfer.
- A SDA provider manages property and tenancy services.

Has there previously been an agreement between residents of group homes and FACS?

Until now, there has been no formal agreement in place between residents and the provider covering the terms of their accommodation. This means that any understanding residents or families had was in fact not protected or guaranteed through any formal agreement.

With the arrival of the NDIS, the NDIA requires that both SIL providers and SDA providers have agreements in place with residents and clients.

Is there a guarantee of service with the new providers?

The new agreements and related contractual protections ensure:

- **That both SIL and SDA providers cannot withdraw their disability services in group homes for two years.** This requirement directly provides what families and residents asked for during consultations about the terms of the transfer.

- Any further agreement after two years needs the agreement of the residents and must be on substantially similar terms.

The SDA and SIL providers must also comply with all quality and safeguards specified as part of its terms of registration with the NDIS.

Each resident will have an individual accommodation agreement with the SDA provider that will be ongoing. This outlines the terms and conditions of their access to their current home, and sets minimum standards of service for all residents of the property.

How do residents change providers?

Under the transfer agreements FACS has with the selected SIL and SDA service providers, **the providers cannot terminate the Service Agreement or Accommodation Agreement with residents within the first two years.**

Any further agreement after two years needs the agreement of the resident and must be on substantially similar terms.

The choice and control is with the resident, not with the provider. This is at the core of the NDIS - it puts people with disability in control, not service providers.

SIL provider

After an initial period of stability, residents of the household can vote to change their SIL provider from two years after the transfer. A majority vote is required to make this change and your SDA provider will help you with the process.

The Service Agreement also outlines that a resident can change their SIL provider at any time if:

- the SIL Provider is deregistered by the NDIA
- the SIL Provider becomes insolvent
- the Accommodation Provider has terminated the Accommodation and Service Provider Agreement and the SIL Provider can no longer access the property.

SDA provider

Residents can leave the property and end the Accommodation Agreement at any time by giving the Accommodation Provider 60 days notice in writing. During this notice period, the resident is required to make all Accommodation Payments unless the Accommodation Provider agrees in writing.

Can a resident be left without accommodation?

The NSW Government will have long term leases to ensure group homes stay used for disability accommodation. Residents have a guaranteed placement for all of this time, if they choose to stay.

If issues do arise, there are safeguards in place that make sure that a resident will be given every opportunity to work with the provider to find a resolution.

Firstly, a meeting will be arranged by the service provider before any notice to end the agreement is given. The service provider will meet with the resident or their representative, the accommodation provider, an NDIS Support Coordinator or Continuity of Service Support Coordinator and other relevant support staff.

The aim of the meeting is to discuss whether the resident needs any additional supports to be able to remain at the property or whether the service provider can support the resident in a different home.

There are rare cases where, for the safety of other residents, it is necessary for one resident to move to other supported accommodation. This will be supported by the NDIA, SDA and SIL in conjunction with the resident and their representative.