



Operational Guideline – Planning and Assessment – Supports in the Plan – Supports for Sustaining Informal Support

Legislation

1. Read ss.4, 31, 33, and 34 of the [National Disability Insurance Scheme Act 2013](#) (NDIS Act 2013) and [National Disability Insurance Scheme \(Supports for Participants\) Rules 2013](#) (Supports for Participants Rule).

General principles

2. People with disability should have their privacy and dignity respected.

See s.4(10) of the [NDIS Act](#)
3. The role of families, carers and other significant persons in the lives of people with disability is to be acknowledged and respected.

See s.4(12) of the [NDIS Act](#)
4. Positive personal and social development of people with disability, including children and young people, is to be promoted.

See s.4(16) of the [NDIS Act](#)
5. Reasonable and necessary supports for people with disability should:
 - a. Support people with disability to pursue their goals and maximise their independence, and
 - b. Support people with disability to live independently and to be included in the community as fully participating citizens, and
 - c. Develop and support the capacity of people with disability to undertake activities that enable them to participate in the mainstream community and in employment.

See s.4(11) of the [NDIS Act](#)
6. The preparation, review and replacement of a participant's plan should so far as reasonably practical be individualised; directed by the participant; where relevant consider family, carers and significant others; consider availability of informal support, access to mainstream and community supports; and build individual capacity to increase participation and inclusion in community with the aim of achieving individual aspirations.

See s.31 of the [NDIS Act](#)
7. Plans should maximise choice and independence of the participant and facilitate tailored and flexible responses to individual goals and needs.

See s.31 of the [NDIS Act](#)

8. The statement of participant supports specifies the general supports (if any) and the reasonable and necessary supports (if any) that will be funded. In deciding whether to approve a statement the delegate must:
 - a. Have regard to the legislation and rules, participant statement, relevant assessments, and
 - b. Be satisfied that all clauses of s.34 of the [NDIS Act](#) on reasonable and necessary are met including that the support is most appropriately funded by the NDIS and offers value for money, and
 - c. Have regard to the principle that a participant should manage their plan to the extent they wish and the operation and effectiveness of any previous plans of the participant.

See ss.33, 34 and 35 of the [NDIS Act](#)

Supports for sustaining informal support

9. The ongoing capacity of family and carers is critical to the wellbeing of participants. Support loads and other factors such as illness and ageing can place carers' wellbeing at risk and compromise their capacity to continue in the caring role. Sustaining informal support can be an integral component of meeting the participant's needs. In addition to the support provided, close supportive relationships participants have with people who provide this support is generally of central value in their lives.
10. The NDIS aims to increase participation of people with disabilities in their communities and in daily life and does this within the context of their families and existing support networks. Delegates use the planning and assessment process, to build an understanding of a participant's context including informal supports and how these can be maintained and supported.
11. The participant is the central focus of the plan and supports are aligned with their aspirations and goals.
12. Consideration of the participant's family context, living arrangements and informal supports draws on discussions with the participants and their family and carers, and will take account of the carer's circumstances, capacity and future plans relevant to their caring roles, and the sustainability of caring arrangements. The NDIA will work to make informal caring arrangements sustainable, and provide certainty to carers that the person they are caring for will get reasonable and necessary support into the future.
13. Through the planning and assessment conversation the delegate should:
 - a. Establish the goals and aspirations of the participant through the *participant statement*,
 - b. Assess the level of support required by the participant and the level of support currently provided by informal supports,
 - c. Establish the impact of providing this informal support on the carer and their capacity to continue to provide this level of support, now and for the duration of the planning period. This may, in some circumstances, need to be discussed in a separate conversation with the carer,
 - d. Work with the participant and carer, with their agreement (s.31(da)) to consider what reasonable supports may be required to sustain or build the carer's ongoing provision of support to the participant,
 - e. In some circumstances work with the participant and carer to consider what reasonable funded supports may be required to more appropriately meet some or all of the participant's support needs.

Reasonable and necessary supports

14. Before specifying any general support, or reasonable and necessary support, in a participant's plan the delegate has to:
- Be satisfied that all the criteria set out in s.34(1) of the [NDIS Act](#) are met in respect of each funded support before it is included in a participant's plan,
 - Ensure the support:
 - Will not cause harm to the participant or pose risk to others,
 - Is due to the effect of the disability on the participant and does not duplicate supports available from other systems,
 - Does not relate to day to day living costs (e.g. rent, groceries, utility fees) unless directly attributable to the impact of the disability on the participant, and
 - Is not illegal or consist of income replacement
- See Operational Guideline – Planning and Assessment – Supports in the Plan
See rs.5.1, 5.2 and 5.3 of the [Supports for Participants Rules](#)*
- Consider the additional guidance for delegates provided by the National Disability Insurance Agency (NDIA) set out in this operational guideline in relation to supports for sustaining informal support.
15. This operational guideline lists the matters that delegates are to consider under headings which refer to the paragraphs of s.34(1). For example, value for money (s.34(1)(a)) and effective and beneficial having regard to current good practice (s.34(1)(b)). Delegates are to note that the matters to be considered may fall across more than one paragraph of s.34(1) and need to be considered in relation to more than one paragraph of s.34(1).

Assisting the participant pursue goals, objectives and aspirations

16. Before including a support in the plan, the delegate must be satisfied that the support will assist the participant to pursue the goals, objectives and aspirations included in the participant's statement of goals and aspirations. Supports that support the sustainability of informal support may be threshold supports that relate to a range of goals (such as goals relating to where the participant wishes to live) rather than a specific goal.

See s.34(1)(a) of the [NDIS Act](#)

Supports that will not be funded by the NDIS

17. The [Supports for Participants Rules](#) provide that a support will not be funded by the NDIS if it is
- Likely to cause harm to the participant or pose a risk to others, or
 - It is not related to the participant's disability, or
 - It duplicates other supports delivered under alternative funding through the NDIS, or
 - It relates to day-to-day living costs.

See r.5.1 of the [Supports for Participants Rules](#)

18. Delegates need to be satisfied that the support is directly related to the participant's disability and is not a day-to-day living cost. For example, baby-sitting for a young child so that parents could attend an event at night would be an ordinary living expense. However if the child participant's disability was such that a baby-sitter needed a special qualification, the NDIS may fund the additional expense or training for the family's usual babysitter to be able to look after the child. The delegate in this situation would still need to consider what level and how often this support would be funded as reasonable. Likewise, paying for an attendant carer for an adult participant who is only required because of the participant's disability may be funded by the NDIS.

Facilitating the participant's social and economic participation

19. Before including a support in the plan, the delegate must be satisfied that the support will assist the participant to undertake activities, so as to facilitate the participant's social and economic participation. To this end, supports that are intended to support informal support should focus on activities that will assist the participant to be independent and build the participant's social and economic participation. For example, where parents of a child participant need time alone with their other children it may be appropriate to fund the participant's attendance at specialised camp.

See s.34(1)(b) of the [NDIS Act](#)

Value for money

20. Before including a support in the plan, the delegate must be satisfied that the support represents value for money in that the costs of the support are reasonable, relative to both the benefits achieved and the cost of alternative support. To achieve this, delegates should consider the benefit to the participant of the proposed support and whether the same result could be achieved through a less costly method.
21. Delegates should also consider other supports that are included in the plan and organise existing supports in a way that supports informal support in preference to funding separate supports.

See s.34(1)(c) of the [NDIS Act](#)

Effective and beneficial having regard to current good practice

22. Before including a support in the plan, the delegate must be satisfied that the support will be, or is likely to be, effective and beneficial for the participant, having regard to current good practice.

See s.34(1)(d) of the [NDIS Act](#)

Taking into account reasonable expectations on informal networks

23. It is reasonable to expect that families would work together to support carers of people with disability. Decision-makers should take into account what other informal support is available to assist families and primary carers. In having this consideration decision-makers need to consider the participant's individual circumstances including considering the impact of the participant's disability and any risk to the participant's informal support network (such as where the participant has challenging behaviours).

See s.34(1)(e) of the [NDIS Act](#)

Most appropriately funded or provided by NDIA

24. Before including a support in the plan, the decision-maker must be satisfied that the support is most appropriately funded or provided through the NDIS. For example, relationship counselling may be more appropriately funded through Relationships Australia and some counselling may be more appropriately funded through Medicare.

See s.34(1)(f) of the [NDIS Act](#)

Expectations as to levels of support required

25. Participants are likely to have a number of days where their support arrangements will be different. These are non-typical days and may include funding to provide replacement support, or respite, in group based facility or in-home support. Levels of support will be determined by level of disability and intensity of support required from family or informal carers. These levels are determined by the support needs assessment and generally should be limited to one of three levels:
- Level 1 – between the equivalent of 7 and 14 days per year where the family otherwise provides support most days. This support is provided to the participant so that the family or informal carers can attend key activities relevant to other members of the family, or
 - Level 2 – between the equivalent of 14 and 28 days per year where respite includes a strategy to build capabilities for future independence, or
 - Level 3 - the equivalent of 28 days per year where the family provides support most days and informal support is at risk of not being able to be sustained because of severe behavioural issues or where the person requires intensive support.
26. In some circumstances it may be appropriate for the delegate to include a higher level of support such as where there are:
- Unstable sleep patterns, or
 - Suction or invasive medical supports, or
 - Extensive behavioural management, or
 - Multiple children with a disability in the household, or
 - Other assistance actively required overnight.
27. A higher level of support may also be appropriate for a defined period of time to ensure that a family carer is able to sustain employment, complete their education or put more sustainable support arrangements in place.
28. Where a higher level of support is required, the delegate should consider the entire package of supports to ensure that the overall plan facilitates sustainable support arrangements. If a family member is assessed as requiring an exceptional level of respite then a review of the package of support is recommended to resolve more sustainable support arrangements.