



NDIS HELP: I Can't Get Access to the NDIS. What Can I Do?

Disability
DA
Advocacy

1300 365 085
www.da.org.au





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introduction

You have received a letter declining your access to the National Disability Insurance Scheme? Not sure what to do?

This info sheet has been written to help you know what to do if you have been told you are not eligible for the National Disability Insurance scheme (NDIS) and you think that decision is wrong.

It has ideas to help you voice your concerns and ask for a decision to be looked at again.

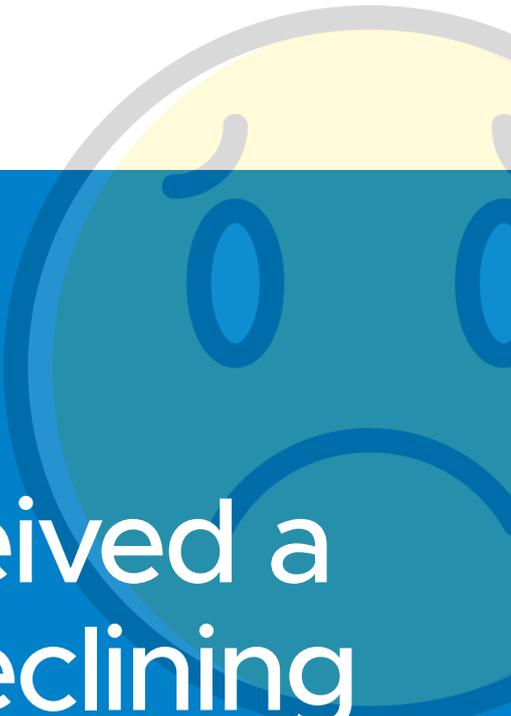
In this info sheet we have used the same words or phrases that the National Disability Insurance Agency will use when they talk to you or send letters. If you aren't sure what something means, check out the pages at the end of the sheet.

Photo: rawpixel.com



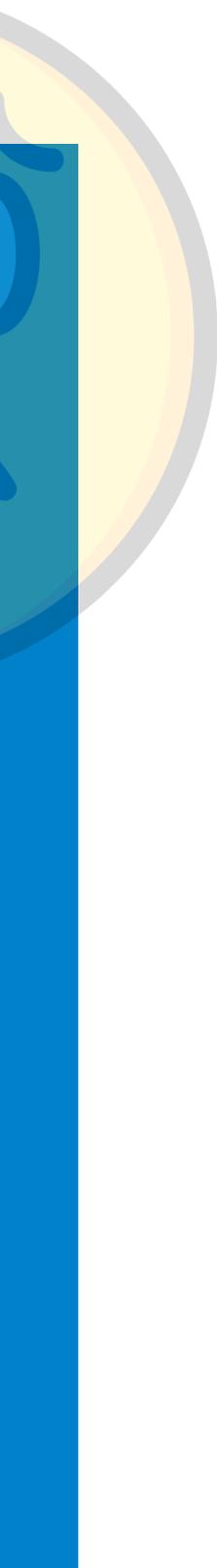
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I've received a letter declining my access to the NDIS.

What can I do?



WHAT CAN I DO IF MY ACCESS REQUEST TO THE NDIS WAS DECLINED?

If you think you should be able to access the NDIS, you have an option to ask for an internal review.

WHAT IS AN INTERNAL REVIEW?

An internal review is a process that the National Disability Insurance Agency will complete if you tell them you aren't happy with a decision they have made.

They will look at your request and decide if a different decision should be made or not.

The person who looks at your request won't be the same person who made the first decision about your eligibility to the NDIS. They will either make a new decision or confirm the original decision.

HOW MUCH TIME DO I HAVE TO APPLY?

You have three months after the decision is made, for example, from the time you got the letter saying you could not access the NDIS to make a request for an internal review.

WHAT KIND OF DECISIONS CAN BE REVIEWED?

This info sheet mostly talks about asking for an internal review on the decision to decline your access to the NDIS.

There are a lot of other decisions that you can ask to be reviewed too. These include things like a decision to withdraw a person's access to the NDIS or the decision to form a person's NDIS plan with particular supports.

When the National Disability Insurance Agency makes a decision that can be reviewed they have to tell you in writing. These decisions will be called reviewable decisions.

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Ok, so you
want to do an
internal review.

**How do I get
started?**

HOW CAN I ASK FOR AN INTERNAL REVIEW?

You can ask for an internal review in the way that best suits you. You can make a phone call to the National Disability Insurance Agency, go into an office or you can complete a written form.

GO TO THIS LINK AND FOLLOW THE LINKS TO DOWNLOAD AN APPLICATION.

<https://www.ndis.gov.au/participants/reasonable-and-necessary-supports/decision-review>

ABOUT THE WRITTEN INTERNAL REVIEW APPLICATION

The application has a series of questions and on most there are prompts to help you answer. Disability Advocacy has partially filled an example application out with suggestions for what to include. You can ask to see this by ringing our office on 1300 365 085.

When a decision is made by the National Disability Insurance Agency about your access to the NDIS, it must be provided to you in writing. It is important to look at this letter which will tell you why the decision was made. You can then respond with evidence or reasons why you think the decision is wrong or unfair.

WHAT THE LAW SAYS

The law says that the NDIS is only for people who meet the NDIS access requirements. There are three main sets of requirements around:

- your age,
- where you live, and
- your disability

Most people who live in Australia and are under 65 years old don't have trouble meeting the first two. It can be more tricky to show how you meet the third set of requirements around disability.

WHAT ARE THE ACCESS REQUIREMENTS FOR DISABILITY?

When you have been told you can't access the NDIS because you didn't meet all of the disability requirements, this means that they couldn't be sure that:

1. You have a disability, or disabilities that are physical, sensory, cognitive, neurological, intellectual or psychiatric.
2. Your disability is likely to be permanent and can't be made better with things like medication or an operation.
3. Your disability significantly reduces your ability to do one or more of these things:
 - **COMMUNICATE:**
This could mean you have trouble being understood by others or you need assistive technology to communicate verbally or in writing
 - **INTERACT WITH OTHERS:**
This could mean you have trouble making friends or knowing what to say to other people
 - **LEARN:**
This could mean you have trouble remembering things or doing things on your own
 - **GET AROUND:**
This could mean you need a wheelchair or mobility aid or you need help to get to places
 - **LOOK AFTER YOUR OWN SELF-CARE:**
This could mean you need help to have a shower or prepare and eat meals
 - **MANAGE YOUR DAY TO DAY NEEDS:**
This could mean you need help to remember to pay the bills or go to the chemist to pick up your medication
4. Your disability impacts on your ability to do social or economic activities, like getting out and about or working.
5. You will need the NDIS for the rest of your lifeⁱ.

ⁱ Australian Government (2013). National Disability Insurance Scheme Act 2013. Federal Register of Legislation. Retrieved from | <https://www.legislation.gov.au/Details/C2013A00020>



ADVOCATES TIP: When you are filling out the internal review application form you need to focus on showing how your disability meets these five criteria.

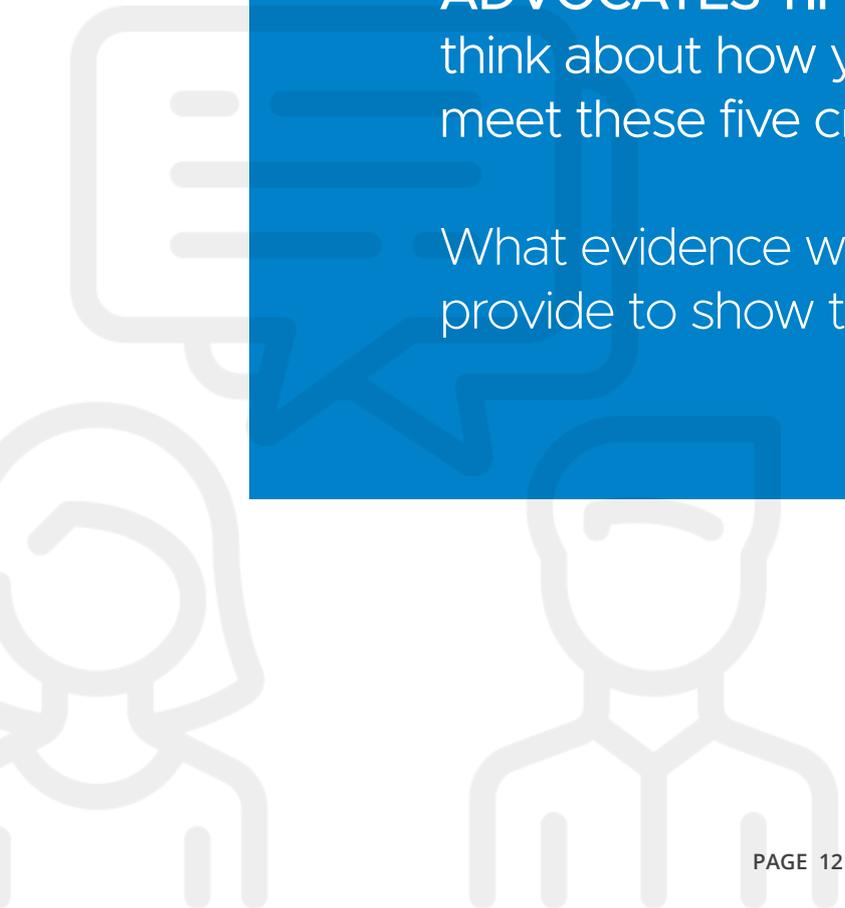
To help you do this you can provide supporting documents with your application. These documents could be from people like a doctor, psychologist or occupational therapist. They can help evidence your disability and explain the impact in everyday life.



WHAT KIND OF EVIDENCE DO I NEED TO SHOW THIS?

ADVOCATES TIP: Take some time to think about how your disability does meet these five criteria.

What evidence will you need to provide to show this?



04

Ok, I have
submitted my
review

**What
happens
next?**



WHAT HAPPENS NEXT?

Once you have submitted your request for an internal review, it might take a while to be considered.

When a new decision is made you will get a letter. It will tell you if the decision has been changed or if it is staying the same. If the decision is staying the same and you're not happy you can seek a further review with the Administrative Appeals Tribunal.

WHERE CAN I GET MORE HELP TO APPLY FOR AN INTERNAL REVIEW?

If you need help to submit an internal review there is support available through organisations that provide disability advocacy. You can find an organisation using this link: <https://disabilityadvocacyfinder.dss.gov.au/disability/ndap/>

CAN I ALSO MAKE A FORMAL COMPLAINT?

You can make a formal complaint at any time to the National Disability Insurance Agency.

You might wish to complain if your request for an internal review takes a long time to be looked at, or you are unhappy with something else to do with the NDIS.

To make a complaint about the National Disability Insurance Agency you can go to the website: www.ndis.gov.au and go to the 'contact us' link where there is information about feedback and complaints. You can also make a complaint over the phone or in person at an office.

what do these words mean?

Access Requirements

These are the set of requirements that a person wanting to join the NDIS needs to meet. The access requirements include requirements about your age, where you live and your disability. The access requirements are talked about from Section 21 to 25 of the *NDIS Act 2013*.

Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) conducts independent merits review of administrative decisions made under Commonwealth laws. The AAT review decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state government and non-government bodies.

For more information about the AAT follow this link:
www.aat.gov.au/

Decision

A decision is a choice the NDIA makes about you, or the way you will be supported under the NDIS. A decision can be the choice to allow you onto the NDIS, or it might be about your NDIS plan itself.

Disability Advocacy NSW

Disability Advocacy NSW (DA) is a program of Advocacy Law Alliance Inc.

DA believes that people with a disability have the same rights (and responsibilities) as people who do not have a disability. DA's core purpose is to ensure that people with a disability realise these rights in practice by advocating with and for them.

DA helps people of all ages with any type of disability or mental illness get fair treatment. For more information about our service follow this link:
www.da.org.au

Internal Review

An internal review is a process that the National Disability Insurance Agency will complete if you tell them you aren't happy with a reviewable decision they have made.

You have three months after you receive a written notice about the decision to submit a request for an internal review.

Reviewable Decision

Some of the decisions the NDIA make can be looked at again, these are called reviewable decisions.

These decisions include, the decision to decline a participant's access to the NDIS or the decision to approve the supports in a participant's NDIS plan. All reviewable decisions are listed under Section 99 of the *NDIS Act 2013*.



Did you not get accepted to the **ndis** ?



NDIS should send you a letter letting you know.



3 months

You have 3 months to lodge your review.



Call Disability Advocacy NSW for help:



1300 365 085



www.da.org.au



da@da.org.au



Our service is free and independent!



**WE WELCOME ANY FEEDBACK,
POSITIVE OR NEGATIVE, BECAUSE
IT HELPS US PROVIDE A BETTER
SERVICE.**

To give us feedback you can:

1. Write to Disability Advocacy NSW
Suite 1 Level 2 408 King St
Newcastle West, NSW, Australia 2302
2. Email us da@da.org.au
3. Call us 1300 365 085



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