

# National Disability Insurance Scheme

## Information for Private and Enduring Guardians

### What is the National Disability Insurance Scheme (NDIS)?

The NDIS is a Commonwealth scheme that provides funding to ensure people with a significant and permanent disability can receive individualised services and supports throughout their life-time.

### What is the National Disability Insurance Agency (NDIA)?

The NDIA is the Commonwealth Statutory body responsible for administering the scheme.

### Who is eligible for the NDIS?

People who have a significant and permanent disability, who are Australian citizens and are under the age of 65 are eligible for the NDIS. Go to **Access Checklist** at [www.ndis.gov.au](http://www.ndis.gov.au) for the full NDIS eligibility criteria. Once eligibility is approved the person is called a participant in the NDIS.

### When will the NDIS roll out?

In NSW, NDIS trial sites have been operating since 2013. From 1 July 2016 the NDIS will begin to roll out across NSW. The NDIS is expected to cover all of NSW by July 2018. To find out when the NDIS is rolling out in your area go to [www.ndis.gov.au/about-us/our-sites](http://www.ndis.gov.au/about-us/our-sites)

When the NDIS is fully operational in NSW, the NSW State Government, Family and Community Services (FACS, previously ADHC) will no longer provide disability services to NDIS participants.

### Who notifies the NDIA that a Private or Enduring Guardian is appointed?

The guardian can notify the NDIA of their appointment for a participant by contacting the NDIA on 1800 800 110.

Guardians also need to let the participant's service providers know of their guardianship appointment. This will ensure the guardian is involved in the NDIS application, information gathering and planning from the beginning.

### What is an NDIS Nominee?

The NDIA or the participant can appoint a Nominee to assist or act on behalf of the person to carry out NDIS tasks. This could include things like planning or correspondence. Where there is a guardian, in normal circumstances, it should be assumed the guardian could act in the capacity of the Nominee.

For more information about NDIS Nominees go to <http://www.ndis.gov.au/about-us/operational-guidelines>

## What do Private and Enduring Guardians need to know about accessing the NDIS?

There is one type of application process for people with a disability who are already receiving NSW State Government funded services that are transitioning across to the NDIS. There is a second type of NDIS application process for people with a disability who are applying for assistance and do not currently receive State Government funded services and supports (new applicants).

Each application process involves gaining consent to allow the NDIA to proceed with information gathering to complete the NDIS planning process.

<b>For people already receiving NSW State Government Services:</b>	<b>For New Applicants:</b>
They will access NDIS first.	They will access the NDIS after those already receiving state funded services have been transitioned, except in extenuating circumstances
The NDIA will be aware when a person with a disability is already receiving NSW Government funding.	The NDIA will not be aware of the new applicant.
The NDIA will contact the transitioning person or their guardian by phone or in writing.	The person or their guardian will need to contact the NDIA on 1800 800 110 to be sent the Access Request Form.
The NDIA will seek verbal consent to complete the Access Request Form. This will allow the NDIA to gather information about the person with the disability to assist with the assessment process.	The person or their guardian will need to complete the Access Request form and provide written consent for the NDIA to proceed with information gathering. The person or their guardian will need to provide support documentation requested by NDIA.
Once consent is gained, the NDIA will forward information about the person with a disability to a Local Area Co-ordinator to commence the initial NDIS Planning Process	

## What is a Local Area Co-ordinator (LAC)?

The Local Area Co-ordinator is the representative from the NDIS who will meet with the person with a disability and their support network to gather information and develop their first NDIS plan. A guardian will need to be present at the planning meeting. To find out more about the Local Area Co-ordinators role please go to [www.ndis.gov.au/people-disability/information-and-referral](http://www.ndis.gov.au/people-disability/information-and-referral)

## What do Private and Enduring Guardians need to know about the first NDIS Plan (Plan 1)?

- The first NDIS plan, known as Plan 1, will be in place for 12 months
- The plan seeks to provide NDIS participants with the same level of support they have now as well as addressing any critical unmet needs
- The LAC will appoint a person to provide Support Co-ordination. The Co-ordinator of Supports assists the person and their guardian to navigate the new NDIS system. This includes identifying the extent of the persons support needs and co-ordinating access to reasonable and necessary services and supports, particularly in the first year
- The first NDIS plan will introduce and familiarise the person with the scheme. Subsequent plans will identify the person's goals and aspirations and continue to identify and address gaps in services and supports. To learn more about what to expect from the NDIS first plan go to <http://www.ndis.gov.au/participants/planning-process>

## What is the role of Private and Enduring Guardians at Plan 1

- Ensure the NDIS Local Area Co-ordinator who will meet with the person with a disability is aware that a guardian is appointed and the extent of their decision making authority
- Depending on the guardian's authority in the Guardianship Order or Enduring Guardianship appointment, the guardian will make decisions on behalf of the person in relation to services, accommodation or home modification requirements, healthcare, therapy and equipment needs, and supports required around medical and dental procedures
- Advocate for the person to ensure the NDIS Local Area Co-ordinator is aware of the current needs of the person, their cultural and lifestyle preferences and any current critical unmet need or gap in service
- Advocate for the person to ensure supporting documents and other evidence from medical, health and service organisations are available to the NDIS Local Area Co-ordinator
- Be aware that everything a person may want to achieve or change in their lives is unlikely to happen in the first plan
- Seek appeal through the NDIS review of a decision or complaints process where necessary.

## What is the role of the Private and Enduring Guardians during the first year?

- Work with the person and their Support Co-ordination to help identify the person's goals and aspirations
- Identify any continuing needs and gaps in service that the NDIS could address
- Where guardianship authority permits, make decisions about receiving services and supports that are in the person's interest and reflect the will and preference of the person
- Seek appeal through the NDIS review of a decision or complaints process where necessary.

## What happens if a person is turning 65 before their first plan?

- If the person is 64 years old in the year they become eligible to enter the scheme, but likely to turn 65 before their first plan is approved, you can submit an access request while the person is still 64 years
- If the person would prefer to access aged care services from the age of 65 they can withdraw from the NDIS. For information on turning 65 years, go to [www.ndis.nsw.gov.au/ndis-resources/fact-sheets/fact-sheet-the-ndis-for-people-aged-65-and-over](http://www.ndis.nsw.gov.au/ndis-resources/fact-sheets/fact-sheet-the-ndis-for-people-aged-65-and-over)

## What should a Guardian do if they need to provide feedback or complain?

- If you are unhappy with an NDIA process or contact you have had with a staff member you can make a complaint directly to the NDIA. If you are unhappy with a decision made by the NDIA, including decisions about the person's eligibility or funding you can ask the NDIA for a review of the decision. For information about the NDIS feedback, complaints and reviews processes go to [ndis.gov.au/feedback-complaints-reviews](http://ndis.gov.au/feedback-complaints-reviews)
- As the NDIA is a Commonwealth Agency you can also make a complaint about the NDIA or the Local Area Co-ordinator to the Commonwealth Ombudsman by calling 1300 362 072 or visiting their website at [www.ombudsman.gov.au](http://www.ombudsman.gov.au)
- If you have a complaint about any services or support funded through an NDIS participant's plan you can complain to the NSW Ombudsman by calling 9286 1000 or Toll-free outside of Sydney metropolitan areas on 1800 451 524 or visiting their website [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

## NDIS Contacts:

Phone: 1800 800 110

Locations: [www.ndis.gov.au/about-us/locations](http://www.ndis.gov.au/about-us/locations)

Website: [www.ndis.gov.au/about-us/contact-us](http://www.ndis.gov.au/about-us/contact-us)

## Further Information for Private and Enduring Guardians

Guardians can contact the **Private Guardian Support Unit (PGSU)** at the Public Guardian for confidential advice and support.

Phone: **02 8688 6060 or country callers 1800 451 510**

Fax: **02 8688 9797**

Email: [informationsupport@opg.nsw.gov.au](mailto:informationsupport@opg.nsw.gov.au)

Post: Public Guardian, Locked Bag 5116 Parramatta NSW 2124

Website: [www.publicguardian.justice.nsw.gov.au](http://www.publicguardian.justice.nsw.gov.au)

## Is English your second language?

You can contact the Public Guardian through the Translating and Interpreting Service (TIS) on 131 450. TIS will organise for an interpreter in your language to be on the telephone when you contact us. TIS is a free and confidential service.

## For information in alternative formats

For alternative formats (audio tape, electronic or Braille versions) of this information contact the Public Guardian by phone, fax or email.