



NDIS HELP:
I don't think I'm getting
enough support.
What can I do?

Disability
DA
Advocacy

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01

introduction

You don't feel that you are getting enough support from the National Disability Insurance Scheme and aren't sure what to do?

If you get your new National Disability Insurance Scheme (NDIS) plan and you aren't happy with what supports and funding you have been allowed, you have an option to ask for an internal review.

This info sheet has been written to help you know what to do if you aren't happy with a decision that has been made about the supports you are getting under the NDIS.

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 table at the end of the sheet.

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02



I'm not happy
with my NDIS
supports.

**What can I
do?**



IF YOU GET YOUR NEW NDIS PLAN AND YOU AREN'T HAPPY WITH WHAT SUPPORTS AND FUNDING YOU HAVE BEEN ALLOWED, 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 change 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 supports. 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 your NDIS plan to make a request for an Internal Review.

When the National Disability Insurance Agency makes a decision that can be reviewed they have to tell you in writing. When you get a new NDIS plan, there is usually a letter attached to the front, this explains about your right to ask for an internal review.

WHAT KIND OF DECISIONS CAN BE REVIEWED?

This info sheet mostly talks about asking for an internal review on the supports you have been allowed under your NDIS plan

There are a lot of other decisions that you can ask to be reviewed too. These include things like a decision to decline someone's access to the NDIS or to withdraw a person's access to the NDIS. You can also ask for an internal review if your request to have your whole NDIS plan reviewed was not accepted.

When the National Disability Insurance Agency makes a decision that can be reviewed they have to tell you in writing. When you get a new NDIS plan, there is usually a letter attached to the front, this explains about your right to ask for an internal review.



internal review

What is the difference between an internal review and a plan review? These are two different things that often get confused. Below and on the next page some of the key differences between the two kinds of review are outlined.

What is an internal review?

An internal review, also known as a review of a reviewable decision, means you are asking the National Disability Insurance Agency to reconsider and review a decision they have made, like reviewing the funded supports in your NDIS plan.

Decisions that can be reviewed are called 'reviewable decisions'.

When can I ask for one?

Must be asked for within 3 months of the decision, for example, receiving your NDIS plan.

Who is it conducted by?

If you ask for an internal review, it must be carried out by a National Disability Insurance Agency staff member who is someone other than the person who made the decision you would like reviewed.

How long does it take?

There is no set time period in which the National Disability Insurance Agency needs to complete the internal review.

What decision will be made?

The person reviewing your internal review will either make a new decision, or leave it as it is. You will get a letter telling you what they decided.

What do I do if I am not happy with the outcome?

If you are not happy with your internal review, you can ask for an external review with the Administrative Appeals Tribunal (AAT).



plan review

If you ask for a plan review you are asking the National Disability Insurance Agency to rewrite your whole NDIS plan. The National Disability Insurance Agency only has to do this if they think there is a good reason to do so.

What is a plan review?

A plan review involves reconsidering a participant's entire NDIS plan. You can ask for a plan review if you feel like your plan is no longer meeting your needs. Alternatively, plan reviews happen automatically when your current NDIS plan is due to expire.

When can I ask for one?

Can be asked for at any time.

What decision will be made?

If you ask for this type of review, the National Disability Insurance Agency can decide whether or not to perform the review. Usually, something big needs to have changed in your life to warrant this kind of review. This is also called a change in circumstances and might include something like moving to a new town, the impacts of your disability getting worse or a family member not being able to help you as much.

How long does it take?

The National Disability Insurance Agency must tell you within 14 days if a plan review will be granted. If you don't hear anything within those 14 days, there has been a choice to not review your plan.

Who makes the decision?

The National Disability Insurance Agency will decide if your plan should be reviewed or not. You should be notified of the decision. If the National Disability Insurance Agency decides to review your plan, it is usually conducted by a planner.

What do I do if I am not happy with the outcome?

If the National Disability Insurance Agency won't review your plan when requested, this becomes a reviewable decision which you can then ask to be internally reviewed. If you didn't hear back about your request for a plan review within the 14 days, the internal review process happens automatically.

03

Ok, so I want
to request 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 YOUR WRITTEN INTERNAL REVIEW REQUEST.

<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 you write your internal review application, you need to give responses that provide evidence or reasons why the decision made about the supports in your NDIS plan are wrong or unfair. You can then respond with evidence or reasons why you think the decision is wrong or unfair.

HOW DECISIONS ARE MADE ABOUT WHAT SUPPORTS I GET IN MY NDIS PLAN

When a decision is made by the National Disability Insurance Agency about your supports, 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 provide responses that provide evidence or reasons why you think the decision is wrong or unfair.


Decisions that are made about supports in your NDIS plan are always made using the reasonable and necessary criteria from the *NDIS Act 2013*. If you didn't get funding for something you asked for, it is because the decision maker couldn't see that it met all of these criteria:

- Would help you meet your goals
- Would enable you to do activities to benefit your social and economic participation
- Is value for money
- Would be effective and beneficial to you
- Cannot reasonably be provided by friends or family
- Cannot be provided by another government department or service

Your focus when completing the form needs to be on proving these six criteria. It is also important to outline, clearly, if there is any imminent risk of harm to yourself or others if you do not receive the supports you are requesting.

To help you do this you can provide supporting documents with your application. These documents could be from people such as, a doctor, psychologist or occupational therapist. They can help explain why the support is reasonable and necessary for you.

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



ADVOCATE'S TIP: When you are filling out the internal review application form you need to focus on showing the supports you are requesting meet the reasonable and necessary 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.

04

Ok, I have submitted my internal 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.

It is important to know when you ask for an internal review, about the supports in your, however the process can cause other parts of your plan to be looked at.

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. If part of the decision has changed but you are still not happy with the other part, you can also 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 close to you 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 NDIS 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.

Reasonable and Necessary

The term reasonable and necessary is used a lot and refers to the way decisions are made about the supports in your plan. Anything that is funded in your NDIS plan must meet the reasonable and necessary criteria under Section 34(1) of the *NDIS Act 2013*.

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*.

notes for my review:

Take some time to think about how your support request meets the reasonable and necessary criteria. What kind of evidence will you need to provide to show this?

HOW DOES MY SUPPORT REQUEST MEET THE REASONABLE AND NECESSARY CRITERIA?

WHAT KIND OF EVIDENCE DO I NEED TO SHOW THIS?



Not happy with your
ndis supports ?



You have 3 months
to lodge your
internal review.



Call Disability Advocacy
NSW for help:



1300 365 085



www.da.org.au



da@da.org.au



Our service is free
and independent!



Disability Advocacy NSW

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