

Operational Guideline – Planning and Assessment – Supports in the Plan - Household Tasks

Legislation

 Read ss.3, 4 and 34 of the <u>National Disability Insurance Scheme Act 2013</u> (NDIS Act) and the <u>National Disability Insurance Scheme (Supports for Participants) Rules 2013</u> (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. 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 community and in employment.

See s.4(11) of the NDIS Act

4. 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

5. 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

- 6. 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,
 - Be satisfied that all clauses of s.34 of the <u>NDIS Act</u> on reasonable and necessary are met including that the support is most appropriately funded by the NDIS and offers value for money,

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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

Household tasks

- It is expected that the NDIS will, where reasonable and necessary (s.34 of the NDIS Act) fund assistance with household tasks which can include:
 - a. Housecleaning and similar tasks,
 - b. Meal planning, preparation and cooking,
 - c. Delivered meals,
 - d. Caring for dependents,
 - e. Banking and shopping,
 - f. Minor home and yard maintenance,
 - g. Assistance with specialised equipment for household tasks,
 - h. Group training/courses in domestic tasks, and
 - i. Individualised training/skill development in domestic tasks.
- 8. It is expected that the NDIS will where reasonable and necessary, fund assistive products for household tasks to ameliorate the effect of the disability which include:
 - a. Assistive products for meal preparation and clean up,
 - b. Assistive products for household cleaning, and
 - Assistive seating and adapted chairs.

Reasonable and necessary supports

- 9. Before specifying any general support, or reasonable and necessary support, in a participant's plan the delegate has to:
 - a. Be satisfied that all the criteria set out in s.34(1) of the <u>NDIS Act</u> are met in respect of each funded support_before it is included in a participant's plan, and
 - b. Ensure the support:
 - i. Will not cause harm to the participant or pose risk to others,
 - ii. Is due to the effect of the disability on the participant and does not duplicate supports available from other systems,
 - iii. 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
 - iv. 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 <u>Supports for Participants Rules</u>

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- c. Consider the additional guidance for delegates set out in this operational guideline in relation to personal care supports and household tasks.
- This operational guideline lists the matters that delegates are to consider under s.34(1)of the <u>NDIS</u>
 <u>Act</u>. Delegates should note that the matters to be considered may need to be considered in relation to more than one paragraph of s.34(1).

Household Tasks

- 11. In relation to household tasks, it is expected that the NDIS will fund reasonable and necessary supports covering either of the following two different approaches:
 - a. Supports that build participant capacity and/or skills to complete household tasks independently or to actively participate in these tasks. This may include returning to past roles and functions and/or developing new functional skills and roles relevant to their life stage, or
 - b. Supports that assist the participant where they are not reasonably able to undertake these tasks. Assistance with house cleaning and house and/or garden maintenance are examples.
- 12. Factors that delegates should consider when determining which supports are both reasonable and necessary include:
 - a. The degree to which these supports:
 - i. Maximise independence and functional skills,
 - ii. Are appropriate to the participant's age and circumstances, and
 - b. Whether alternative arrangements/supports could meet the participant's needs in a less intrusive manner. For example, aids and equipment may enable a person to complete tasks for themselves; or the provision of training may increase the participant's independence in the tasks.

Support to participants who are also parents

13. Some NDIS participants will have parenting responsibilities. It is reasonable to consider this factor in consideration of reasonable and necessary supports. Support to assist the participant to perform their role as a parent or caregiver is reasonable when the need for assistance is related to the participant's disability, but which does not replace the participant's role as a parent. For example, a support worker may assist a participant to travel with their young children to and from school, but is not solely responsible for taking the children to and from school.

Goals and aspirations

14. Before including a support in a participant's plan, the delegate must be satisfied that the support will assist the participant to pursue their goals. Supports related to household tasks may be threshold supports to assist a participant in pursuing a number of goals rather than related to a specific goal.

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

Supports that will not be funded or provided by the NDIS

15. The Supports for Participants Rules provide that a support will not be funded by the NDIS if it:

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- a. Is likely to cause harm to the participant or pose a risk to others, or
- b. Is not related to the participant's disability, or
- c. Duplicates other supports delivered under alternative funding through the NDIS or other systems, or
- d. Relates to day-to-day living costs.

See r.5.1of the Supports for Participants Rules

16. As assistance with household tasks (such as cleaning services) would ordinarily be a day-to-day living cost, delegates must be satisfied that any supports for household tasks in the plan directly relate to the participant's disability and are not of a general nature.

Supports most appropriately funded by the NDIS

- 17. Before including a support in the participant's plan, the delegate must be satisfied that the support is most appropriately funded or provided through the NDIS and is not more appropriately funded or provided by other parties:
 - a. As part of a universal service obligation, or
 - b. In accordance with reasonable adjustments required under disability discrimination law.

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

18. Other parties can include other government departments and agencies, independent organisations funded by governments to provide services, individuals and families.

Social and economic participation

19. Before including a support in a participant's 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. Supports related to household tasks may be threshold supports to assist a participant in pursuing a number of participatory goals.

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

Value for money

20. Before a support is added to a participant's 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.

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

21. When delegates consider whether a support is value for money they should first consider whether there are supports that will achieve the same outcome in a way that encourages independence in the participant and will lower their future support needs. For example, aids and equipment or home modifications. A delegate may judge that a more expensive support of this kind would be value for money as an investment (even where that value may be realised over the period of several plans) given support costs would reduce over time.



Effective and beneficial

22. A delegate must be satisfied that a support is or is likely to be beneficial to the participant before including the support in the plan. Supports relating to household tasks are likely to only be beneficial where they are delivered in a way that maximises to the extent possible the participant's independence, and participation in their own home life.

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

23. Where supports are provided that are not assisting the participant to increase their own skills and independence (i.e. the supports are not developmental), providers must ensure that the provided supports do not create or reinforce dependence of the participant on the provider.

Taking into account reasonable expectations on informal networks

- 24. It is expected that the NDIS will only fund household tasks supports for young children as participants when:
 - a. The supports do not replace the care and supervision provided, or paid for, by informal support networks such as parents, and
 - b. It is unreasonable to expect family members to undertake such tasks and these tasks are not required by the participant's siblings.
- 25. Household task supports for participants who are young children can be provided by the NDIS when the level of care and supervision is unreasonable to be provided by informal support networks for children of the participant's age.
- 26. The NDIS will not fund or pay parents or family members of participants to provide supports relating to household tasks except in the most exceptional circumstances such as where there is risk of harm or neglect to the participant. If the most exceptional circumstances arise, parents or family members will only be paid to provide assistance subject to all of the following conditions:
 - a. The assistance provided is critical to the wellbeing of the participant, and
 - b. All efforts have been exhausted to engage a provider that could appropriately provide the support, and
 - The paid family member does not, and will not, reside at the same location as the participant,
 and
 - d. The paid assistance provided by the family member is a short-term measure only and will be reviewed regularly.

See s.34(1)(e) of the NDIS Act and Operational Guideline - Planning and Assessment - Supports in the Plan

Expectations as to levels of support required

- 27. Where care is provided as a substitute for independent activity, levels of support for assistance with household tasks should generally be:
 - a. Limited to no more than 7 hours per week across meal preparation, domestic assistance and home maintenance tasks,
 - b. Be reduced in light of other assistance being provided, and

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- c. Reviewed in light of outcomes achieved through any training provided under individual life and personal skills development funding.
- 28. It may be appropriate for a delegate to include a higher level of support for a defined period of time where the support being provided is to build capacity and independence or where the person needs additional assistance in order to live independently.
- 29. A delegate can also consider an alternative to paid support where it proves more cost effective.