

# What principles do we follow to create your plan?

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The National Disability Insurance Scheme (NDIS) was set up under the National Disability Insurance Scheme Act 2013 (NDIS Act) as a world first approach to disability support. It puts people with disability at the centre of decision-making, through the application of the principles set out below.

As an insurance-based scheme, we take a lifetime approach to a participant's support needs. We provide funding for NDIS supports that relate to your disability support needs. Individual funding means we help participants to purchase NDIS supports from a competitive and consumer-driven marketplace.

**Note:** as part of the recent changes to the NDIS laws we are moving towards a new framework for planning. Rules need to be developed for this new framework. We're working on how and when we'll introduce these changes.

Until then, the information in this Our Guideline is about our 'old framework' for planning, which includes the legislative changes that become operational when the law commences, and rules are made. All current plans will be known as 'old framework' plans, and we will continue to develop these until all participants have transitioned to the new framework.

## What supports can we fund?

The new NDIS laws allow us to only fund NDIS supports. NDIS supports are the services, items and equipment that can be funded by the NDIS.

NDIS supports should complement, not replace, other supports available to you. That's why we consider:

- the things you're able to do for yourself
- support you have from others in your network, including family members, relatives, friends, local community services and mainstream government services.

One of our aims is to help maximise your independence. We do this by working with the local mainstream government and community services that help you live an ordinary life. We all do best when we're connected to our communities.

It's important that you're able to shop for and access providers who meet your needs. We can help you find providers who meet your needs.

Once we've considered your circumstances, we need to follow the rules determined under NDIS laws in our planning decisions.<sup>1</sup> After we've identified the supports and decided that they meet the reasonable and necessary criteria, we can include the description and funding for the NDIS support in your plan.

You can use the funding in your plan to buy NDIS supports if they are related to your disability and are in line with your plan.<sup>2</sup>

This means we can only fund an NDIS support if it meets **all** the following criteria:

- the support is related to your disability needs<sup>3</sup>
- the support will help you pursue your goals in your plan<sup>4</sup>
- the support will help you undertake activities that will help you take part in work, social and community life<sup>5</sup>
- the support is value for money,<sup>6</sup> which means the costs are reasonable:
  - when compared to the benefits to be achieved. For example, whether buying the support is likely to reduce the cost of funding other supports in the long term<sup>7</sup>
  - when compared to alternative options that may provide you with the same outcome at a similar or lower cost<sup>8</sup>
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence<sup>9</sup>
- the support is required to complement the informal supports you have available. We need to think about what is reasonable for families, carers, informal networks and the community to provide<sup>10</sup>
- the support is an NDIS support.<sup>11</sup>

Spending in line with your plan means only spending your funding on the supports included in your plan. To spend in line with your plan, you need to:

- spend your funding in the way we describe. This includes any stated supports, where we describe the supports you can buy more specifically
- make sure your funding will last for the whole length of your plan
- if your plan includes funding periods and funding component amounts, make sure your funding will last for the length of each funding period.

When you buy supports in line with your plan, you need to make sure they're NDIS supports or an agreed replacement support that relate to your disability.

For more information on what we can fund, go to [NDIS supports](#).

## What supports don't we fund?

Under the law for the NDIS, there are things we can't fund or provide.<sup>12</sup> We can't fund goods and services that are not NDIS supports.<sup>13</sup> For example, we can't fund or provide supports that:

- consist of sexual services and sex work, alcohol, or drugs<sup>14</sup>
- are not NDIS supports<sup>15</sup>
- are not legal<sup>16</sup>
- are income replacement<sup>17</sup>
- are likely to cause harm to you, or pose a risk to other people<sup>18</sup>
- relate to a 'day-to-day living cost', like groceries, rent or utilities
- duplicate other supports provided by the NDIS under alternative funding.<sup>19</sup>

For more information on what we can't fund, go to [NDIS supports](#).

## How do we manage the financial sustainability of the NDIS?

The NDIS is an insurance scheme, and one of our core functions is to manage the financial sustainability of the Scheme.<sup>20</sup>

When we make decisions about the NDIS supports we fund in your plan, we must also think about our need to ensure the **financial sustainability of the NDIS**.<sup>21</sup>

We are also responsible for protecting the NDIS from people misusing NDIS funds or committing fraud. This means we check that NDIS funding is being used in the right way and that the information you give us is correct.<sup>22</sup>

It's also important to know the NDIS is one part of the broader Australian National Disability Strategy that supports people living with disability. The overall success and sustainability of the Australian National Disability Strategy relies on:

- people accessing their informal support network to get the help they need from day-to-day
- people using their personal income to pay for their day-to-day living expenses, which is expected of all Australians
- mainstream and community services being available from state and territory governments, and other federal government programs such as Medicare

- distributing NDIS supports fairly to those who need them, provided within our funding budget.

Staying within our budget ensures the NDIS will be here to support generations of Australians and their families.

## What principles do we use to create your plan?

We use the following 7 principles to create plans. We do this to help you get the NDIS supports you need for your disability support needs. We also do this to make sure the Scheme is financially sustainable:

- [Fair for everyone, both today and for future generations](#)
- [Fair funding to pursue your goals](#)
- [Evidence-based best practice](#)
- [Fair early investments](#)
- [Fair support across service systems](#)
- [Fair supports for your disability needs](#)
- [Fair assistance from multiple programs](#)

### Fair for everyone, both today and for future generations

While we need to think about your individual circumstances and disability support needs, we also need to make consistent decisions and treat people fairly.

This means participants with similar circumstances and disability support needs should receive similar amounts of supports in their plans.

We provide funding for reasonable and necessary supports to people with a permanent and significant disability or developmental delay. Reasonable and necessary supports are the supports we fund in your plan to meet your disability needs.<sup>23</sup>

All supports we fund in your plan need to meet the criteria set out in law for the NDIS of what we can and can't fund.<sup>24</sup> For information on what is an NDIS support and what is not, go to [NDIS supports](#).

We approve your whole plan, not individual supports in your plan in isolation.<sup>25</sup> Information about the NDIS supports that we'd usually include in your plan helps guide this process.

This information also helps to guide the consistency of our decision-making process. We use it to check your overall plan and make sure all your NDIS supports will work together. We'll check your support types and amounts will complement each other to help you live an ordinary life.

We may then increase or decrease the funding in your plan based on:

- information you share with us
- any reports or other information we have
- applying the [NDIS funding criteria](#).

This helps keep the system fair for everyone, and ensure we remain financially sustainable.

## Fair funding to pursue your goals

Goals are important.<sup>26</sup> The NDIS supports we fund need to help you maximise your independence and pursue your goals.<sup>27</sup> This means your NDIS supports should help overcome any disability-related barriers which may be stopping you from pursuing your goals.<sup>28</sup>

This doesn't mean we fund all support costs associated with you pursuing your goals. Also, you may have goals and aspirations we can't fund supports for. This is because helping you pursue your goals is only one of the NDIS funding criteria. This means not all supports that help you to pursue your goals will be reasonable and necessary.

Other things to know about when setting your goals:

1. **Setting more goals or bigger goals doesn't mean we'll provide more funding or fund more supports.** For example, your goal might be to live independently in a house with a swimming pool. We may fund home modifications that address your disability-related needs. This might be a home modification to make your bathroom accessible for you.

We won't fund the swimming pool because this isn't related to your disability support needs. The funding in your plan might be similar to someone else who has a goal of 'to have a more accessible bathroom'.

2. **Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal.** For example, if your goal is to get a gym membership to get fit, we wouldn't usually fund this. Gym memberships are things that all people, with or without disability, might want or need.
3. **Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund this.** For example, you may tell us your goal is 'to get a top model shower commode'. You show us the one you want costs \$4,000.

If there's a shower commode that costs \$3,000, and your occupational therapist confirms this one will meet your needs, we are more likely to fund this one. We would

fund this one instead, if it's likely to deliver the same result at a lower cost. We may also look at alternatives.

## Evidence-based best practice

We fund NDIS supports that will be, or are likely to be, effective and beneficial for you, having regard to current good practice.<sup>29</sup> This means we consider if there is evidence that the NDIS support is effective and beneficial for someone with similar disability support needs.

For example, we may already have information about whether the support is widely accepted to suit someone with similar disability support needs.<sup>30</sup> The primary source of evidence we rely on, and give the greatest weight to, is evidence from sources that are reliable and recognised. This includes published and refereed literature, and any consensus of expert opinions. If there is no evidence to show an NDIS support is reasonable and necessary,<sup>31</sup> we won't fund the NDIS support.

You can find the types of evidence we need on [our website](#), and in [Our Guidelines](#).

## Fair early investments

Having access to capacity building supports early in your NDIS journey is considered to be an early investment. This early investment is intended to help increase your independence and reduce your reliance on NDIS funding over time.

This is an important concept we think about when we create your plan, and again at future plan reassessments. When we reassess your plan, we reassess all the NDIS supports you require to meet your disability support needs at that time.

Over time, your capacity building supports may no longer be reasonable and necessary, in regard to any of the following:

- your current functional capacity
- the effectiveness of the capacity building supports<sup>32</sup>
- value for money.<sup>33</sup>

When we say functional capacity, we mean the things you can and can't do for yourself.

Your overall funding amount could go down from one plan to the next. This may be because you no longer need the same type or amount of supports, such as capacity building supports. Also, if the capacity building investment has been successful at building your independence, then your need for other supports may also decrease. For example, as you develop your skills you may not need as many core supports.

You may see your overall plan value reduce over time as the benefits of capacity building are realised.

## Fair support across service systems

The support you need may be the responsibility of another government service, like education or health. We don't fund these services. We need to think about the supports you should receive from these services when we determine the NDIS supports in your plan.

## Fair supports for your disability needs

When we make decisions about which NDIS supports we can fund, we consider whether a support is reasonable and necessary for you and apply the [NDIS funding criteria](#).

NDIS supports need to be for you and be necessary to address your disability support needs.<sup>34</sup>

You might ask for NDIS supports to help with impairments that didn't meet the requirements at the time of your access decision. When this happens, we need to make sure the NDIS support will help you address your disability support needs. Learn more about [Applying to the NDIS](#).

We may ask you to provide evidence to help us work out if the support relates to your disability support needs by applying the [NDIS funding criteria](#). Learn more about how to ask for supports in [Our Guidelines – Changing your plan](#).

By doing this we make sure the system is fair for everyone, and the NDIS remains financially sustainable.

## Fair assistance from multiple programs

NDIS supports can't duplicate other funding or supports you may receive due to your disability.

For example, you may have received a lump-sum payment or receive regular payments as a form of compensation for an accident. Or you may be receiving ongoing supports from another program or insurance scheme. For example, WorkSafe, Lifetime Care and Support or the Transport Accident Commission.

We don't duplicate this funding, or these supports. We may reduce the total value of your NDIS plan to account for compensation you receive, or we may not fund certain supports.

## Reference

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- <sup>1</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules.
- <sup>2</sup> NDIS Act s 34(1)(f).
- <sup>3</sup> NDIS Act s34(1)(aa), NDIS (Supports for Participants) Rules r 5.1(b)
- <sup>4</sup> NDIS Act s34(1)(a).
- <sup>5</sup> NDIS Act s34(1)(b).
- <sup>6</sup> NDIS Act s34(1)(c).
- <sup>7</sup> NDIS (Supports for Participants) Rules r 3.1(c).
- <sup>8</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a).
- <sup>9</sup> NDIS Act s34(1)(d).
- <sup>10</sup> NDIS Act s34(1)(e).
- <sup>11</sup> NDIS Act s34(1)(f).
- <sup>12</sup> NDIS (Supports for Participants) Rules r 5.
- <sup>13</sup> NDIS Act s 10.
- <sup>14</sup> NDIS Act s 10.
- <sup>15</sup> NDIS Act s 10.
- <sup>16</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3(a).
- <sup>17</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3(b).
- <sup>18</sup> NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(a).
- <sup>19</sup> NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(c).
- <sup>20</sup> NDIS Act ss118(1)(b)-(2)(c).
- <sup>21</sup> NDIS Act s4(17).
- <sup>22</sup> NDIS Act s118(1)(ba).
- <sup>23</sup> NDIS Act s 34(1).
- <sup>24</sup> NDIS Act s 10.
- <sup>25</sup> NDIS Act s33(2).
- <sup>26</sup> NDIS Act s33(5)(a).
- <sup>27</sup> NDIS Act s34(1)(a).
- <sup>28</sup> NDIS Act ss 34(1)(a); 34(1)(aa).
- <sup>29</sup> NDIS Act s34(1)(d).
- <sup>30</sup> NDIS (Supports for Participants) Rules r 4.1(d).
- <sup>31</sup> NDIS Act s34(1).
- <sup>32</sup> NDIS Act s34(1)(d); NDIS (Supports for Participants) Rules, r 3.2-3.3.
- <sup>33</sup> NDIS Act s34(1)(c); NDIS (Supports for Participants) Rules r 3.1.
- <sup>34</sup> NDIS (Supports for Participants) Rules r 5.1(b), NDIS Act s 34(1)(aa).