**NDIS Internal Review Toolkit:**

**Tips of what to include in a Review of Reviewable decision, S100 request.**

**(This is also known as an NDIS Internal Review)**

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| Templates to use to gather supporting evidence from allied health professionals.* NDIS Access Request Support Letter Template
* NDIS Evidence of Psychosocial disability Form.

Separate to Toolkit. |  |

**NDIS operational Guidelines, and NDIS Act, referred to in this toolkit:**

Section 99(1) of the NDIS Act- reviewable decisions.

[Reviewable Decisions and Decision Makers.](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ndisa2013341/s99.html)

Review of Decisions- NDIS Operational Guideline.

[Review of Decisions Operational Guidelines](https://www.ndis.gov.au/about-us/operational-guidelines/review-decisions-operational-guideline/review-decisions-operational-guideline-internal-review-ndia)

Access- NDIS Operational Guideline. Disability requirements.

[NDIS Operational Guideline Access](https://www.ndis.gov.au/about-us/operational-guidelines/access-ndis-operational-guideline/access-ndis-disability-requirements#8)

Planning- NDIS Operational Guideline

[Planning Operational Guideline](https://www.ndis.gov.au/about-us/operational-guidelines/planning-operational-guideline/planning-operational-guideline-general-matters-relating-planning#5.4)

[Statement of Participant Supports](https://www.ndis.gov.au/about-us/operational-guidelines/planning-operational-guideline/planning-operational-guideline-statement-participant-supports)

Table of guidance on whether a support is most appropriately funded by the NDIS

[Table](https://www.ndis.gov.au/about-us/operational-guidelines/planning-operational-guideline/planning-operational-guideline-appendix-1-table-guidance-whether-support-most-appropriately-funded-ndis)

**Links to useful resources:**

WAIS- Planning resource

[Weekly schedule.](http://waindividualisedservices.org.au/wp-content/uploads/2019/03/Weekly-Schedule-1.pdf)

Endeavour Foundation

[Reasonable and Necessary explanation.](https://www.endeavour.com.au/media-news/blog/reasonable-necessary)

VALID

[Ten steps for excellent NDIS therapy reports](https://www.valid.org.au/sites/default/files/10-steps-to-excellent-National-Disability-Insurance-Scheme-NDIS-therapy-reports-v1.pdf)

When you are using this document when online you can press CTRL on your keyboard and click on the link, and you will be redirected to the document or guideline.

All links up in this toolkit were up to date as of November 2019.

**Requesting a Review of Reviewable decision: Where do I start?**

The National Disability Insurance Scheme (NDIS) is for people with Disability in Australia.

If you have made an Access Request with NDIS, and have been sent a letter that your Access is not met- this is a decision made by NDIS that can be reviewed.

If you are already a ‘participant’ of NDIS, and have a current NDIS Plan- this is a decision made by NDIS that can be reviewed.

To look at a full list of all the NDIS Decision that can be reviewed, see the NDIS Act section 99(1).

If you think the NDIA made a decision that is wrong, you can request an Internal Review of a decision.

When you are notified about an NDIA decision, you will receive a letter explaining how to request an Internal Review of that decision.

An Internal Review of a decision needs to be made with NDIS within 13 weeks of the date that you receive a ‘decision outcome’, such as Access not met letter, or of your recently approved NDIS Plan.

For an Access not met decision- look at the date on the top of the letter.

For a recently approved NDIS Plan- look at the date on the front of the Plan.

You can make a request for Internal Review of a decision by:

* submitting a written request to:
Chief Executive Officer
National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601
* talking to someone at an NDIA office
* calling 1800 800 110
* sending an email to: enquiries@ndis.gov.au

Want to know more about the NDIS Operational Guidelines?

Go to the NDIS Website:

[Operational Guidelines 5. Internal Review by the NDIA.](https://www.ndis.gov.au/about-us/operational-guidelines/review-decisions-operational-guideline/review-decisions-operational-guideline-internal-review-ndia#5.1)

**Tips of what to include in your Internal Review request:**

When you ask for a review, explain why you think the decision is not right.

You can use the EXAMPLE Internal Review form included in this Toolkit as a guide of what to include in a written Internal Review request.

This EXAMPLE Internal Review form was developed by referring to the NDIS Operational Guidelines, and the NDIS Act.

A blank Application for Review of Reviewable Decision is included in this toolkit for you to fill out.

If your Internal Review request is about Access to NDIS, you can also look at the NDIS Access Request Toolkit and NDIS Access Request Support Letter Template, for information on what medical evidence to ask doctors and Allied Health Professionals to provide to you.

On the next page is a blank template for you to use to think about your Support Needs.

**My Support Needs**

Now it is your turn to write down your thoughts.

Have a think about how your impairment/s impact on your life.

It is also a good idea to start thinking about what support you think you might need.

This may include supports such as equipment or assistance with daily care needs.

It may also include early intervention supports such as therapy to prevent or minimise the deterioration of your condition.

If your child has a developmental delay and is under the age of seven, you do not need to provide this information to the NDIS.

You can use this information to add to your Internal Review request, or to take to your doctor or Allied Health professional when requesting a letter of support or report to go along with your Internal Review request.

Mobility

|  |
| --- |
| Impact of my Disability:Support I Think I Need: |

Communication

|  |
| --- |
| Impact of my Disability: Support I Think I Need: |

Social Interaction

|  |
| --- |
| Impact of my Disability: Support I Think I Need: |

Learning

|  |
| --- |
| Impact of my Disability: Support I Think I Need: |

Self-Care

|  |
| --- |
| Impact of my Disability: Support I Think I Need: |

Self-Management

|  |
| --- |
| Impact of my Disability: Support I Think I Need: |

It can be overwhelming thinking about every aspect of your life.

Each person is different and will have different support needs.

If you are still unsure, you can ask a person that you trust and feel comfortable talking to about your life.

You can include this information in your Internal Review Request.

**Gathering Evidence of your disability.**

For your Internal Review request you may need to provide additional medical evidence of your disability, and the impact that your disability has on your ability to do everyday things.

NDIS considers good evidence to be:

* recent
* provided by a treating professional who has an understanding of your disability (relevant to your disability)
* confirms your primary disability
* explains clearly the impacts of your disability in different areas of your life:
* mobility/motor skills
* communication
* social interaction
* learning
* self-care
* self-management.
* describes previous treatments and outcomes of those treatments

You can look at the VALID resource: [Ten steps for excellent NDIS therapy reports](https://www.valid.org.au/sites/default/files/10-steps-to-excellent-National-Disability-Insurance-Scheme-NDIS-therapy-reports-v1.pdf)

You can use templates to take to your doctor or Allied Health Professional, to ask them to provide evidence to go along with your Internal Review request:

* NDIS Access Request Support Letter Template (developed by PWdWA)
* NDIS Evidence of Psychosocial disability Form.

These templates are available on the [PWdWA website](https://www.pwdwa.org/how_can_we_help/ndis_appeals.html).

This form is an example of what can be included in the NDIS Application for review of a reviewable decision form.

Suggestions of what could be included in each section are written in RED

National Disability Insurance Scheme

Application for a review of a reviewable decision

This form can be:

* Downloaded from the [NDIS Website](https://www.ndis.gov.au/participants/reasonable-and-necessary-supports/decision-review/application-review-reviewable-decision.html) and lodged in person, by mail or email to enquiries@ndis.gov.au
* Completed by a National Disability Insurance Agency (NDIA) officer at your local office, over the phone or in-person

Part A – Applicant information

The NDIS Act states some NDIA decisions can be reviewed. These are known as *Reviewable Decisions*.

A list of NDIA reviewable decisions are listed in Appendix 1 at the end of this form. They include, for example:

* NDIS access
* The funding and provision of reasonable and necessary supports
* Nominee appointments
* Parental responsibility recognition.

Providers may seek a review of a decision not to register them or a decision to revoke their registration.

A person may request a review if they are directly affected by an NDIA decision.

The request for review must be made within three months of receiving the reviewable decision notice.

A request for review may be made by:

1. sending or delivering a written request to the NDIA; or
2. making an oral request, in person or by telephone or other means, to the NDIA.
3. completing and lodging this form in person, by mail or email to enquiries@ndis.gov.au

Part B – About You

|  |  |
| --- | --- |
| Name: | Participant name. |
| Mr/Ms/Miss/Mrs: |  |
| Participant number:(for participants) | 43….. |
| Address: | Participant address.  |
| Home contact number: |  |
| Work contact number: |  |
| Mobile: | Participant contact number. |
| TTY: |  |
| Email: |  |

**Preference for contact (circle one): Phone email**

**Only fill in this box if you are the participant’s nominee**:

|  |  |
| --- | --- |
| Nominee name: | Legal guardian name, or parent if child under 18 years old, or other person nominated as plan nominee.  |

**Only fill in this box if someone is helping you. For example, a family member, a carer or advocate.**

|  |  |
| --- | --- |
| Representative name: |  |
| What is your relationship to this person: | Individual Advocate |
| Organisation (if any): | Name of organisation |
| Postal address: |  |
| Home contact number: |  |
| Work contact number: |  |
| Mobile: |  |
| TTY: |  |
| Email: |  |

**Representative preference for contact (circle one): phone email**

**NOTE: If you need help filling in this form please contact your local office for assistance.**

Part C – What are the grounds for this review?

## What is your request for review about?

I am requesting a decision review about:

Please record details below.

1. Insert the date of the NDIS Plan or decision that you are seeking a review about.
2. Refer to section 99(1) of the NDIS Act.

If your review is about not enough supports it is always:

4/ a decision to approve the [statement of participant supports](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ndisa2013341/s9.html#statement_of_participant_supports) in a [participant](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ndisa2013341/s9.html#participant)'s [plan](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ndisa2013341/s9.html#plan). See copy of NDIS Act Section 99(1) included in Internal Review toolkit.

## When was the decision made? (Please state date, month and year)

Insert the date of the NDIS Plan or decision that you are seeking a review about.

## Why do you want the decision reviewed?

Describe why you want the decision reviewed. Are there facts you feel have not been taken into account or properly looked at? Is there any additional information we may not have considered at the time?

Provide as much detail as possible about WHY you want the decision reviewed.

* Does that current plan not have enough hours of CORE support?
* Is there more evidence you want to be looked at about your disability?
* Does you plan not have enough funding to support your therapy needs in CAPACITY BUILDING?
* Were you not able to use all the funds in your last NDIS Plan and now have less Capacity Building funds in your current Plan?

Below are some tips to include in your response.

TIPS:

1. If your review is about Access and you want NDIS to look at new evidence of your disability, talk about that.
2. If your review is about supports in your Plan talk about:

- Your disabilities, and the impact of those disabilities in your everyday life.

- The goals in your Plan.

- Why your current Plan cannot help you to meet your goals.

- What reasonable and necessary supports are needed to help you meet your goal/ goals.

Look at:

[Statement of Participant Supports- NDIS Operational Guidelines.](https://www.ndis.gov.au/about-us/operational-guidelines/planning-operational-guideline/planning-operational-guideline-statement-participant-supports)

Answer the following questions about your Plan that relate back to the Reasonable and Necessary Operational guidelines:

1. How does the (lack of) support stop you from pursuing the goals and objectives in your Plan?
2. What support do you need to assist you to undertake activities and increase your social and economic participation?
3. Why would it would be value for money for NDIA to provide the support? If the support you are asking for is more expensive that what you currently use in your Plan, say why it would be better for you, and why the support that you have used or are currently using hasn’t worked.
4. How is the support you are asking for considered to be effective and beneficial (to you) and current good practice?

You can use treating specialist and Allied Health professional reports to explain this.

1. Why do you need to have a support funded by NDIA, and it is not reasonable to expect that a family member, or an informal support (friend) provide that support?

If appropriate: talk about the informal support (friends/ family members) that you have asked for support, and how it is not appropriate that they provide that support. Does having help from friends and family increase your dependence on them, and reduce your independence?

Maybe the child has substantially greater needs that children of a similar age.

If there any risks associated with having family members providing support, explain those risks.

1. Explain how the NDIS is the appropriate system to provide those supports, and how other service systems such as: Health, Education, Mental Health, Employment, Housing, Higher Education, Transport and Justice have been approached and they can’t provide that support.

Refer to:

[Table of guidance on whether a support is most appropriately funded by the NDIS.](https://www.ndis.gov.au/about-us/operational-guidelines/planning-operational-guideline/planning-operational-guideline-appendix-1-table-guidance-whether-support-most-appropriately-funded-ndis)

## How has it affected you? (Please tell us how the decision has affected you?)

TIPS:

Provide as much information as you feel comfortable about your lived experience of having a disability and how the decision has had an impact on your life.

* Are you missing out on participating/ maintaining strong social connections with others in your peer group?
* Are you not able to get to work/study on time due to limited supports?
* Are your family relationships breaking down?

Are there any risks to you or your informal support network (friends/ family), as a result of the decision, such as:

* Family need to provide more support, and there are risks to their own mental health.
* Family are not able to keep stable employment due to the number of hours providing informal support.
* Personal risks to your own self such as not having support to:
* feed yourself,
* or not having trained support to transfer into your wheelchair,
* or not having support to maintain your health and fitness,
* or risk of becoming homeless due to not having support to manage your finances/ pay rent,
* or other.

Refer back to the Reasonable and necessary supports outlined in previous section

**What outcomes are you seeking?** (Please tell us what you expect from this eview?)

List clearly what you are asking for/ would like to achieve from this review.

TIPS:

If the review is about Access, talk about wanting to Access NDIS.

If the review is about a Plan, talk about what is needed from your current Plan to meet your needs.

If it relates to support hours clearly show the hours of support needed and when (as in on what days and times per week).

See weekly schedule as part of Internal Review toolkit.

Use reports/ evidence from specialists to support what you are asking for such as:

* Occupational Therapist (Functional Capacity Assessment).
* Report from specialist about a particular piece of equipment needed.
* Report from specialist/ letter explaining that your disability has deteriorated and you require an equipment review to suit your current needs.

If there are any risks of harm to yourself or others, request a [Priority request for Review- Operational Guideline 5.7.1](https://www.ndis.gov.au/about-us/operational-guidelines/review-decisions-operational-guideline/review-decisions-operational-guideline-internal-review-ndia):

* risk of harm to the health or well-being of a person;
* instability in the accommodation arrangements of a person, including the risk of homelessness;
* instability in the care arrangements of a person, including the risk of a primary carer not being able to provide care; and
* risk associated with the nature of the person's disability, including the risk of rapid deterioration or progression

Part D – Further information

## Supporting information

Please attach copies of any documents you think may help us to review this decision. For example letters, references, emails. If you don’t have any, can you tell us what information you think we need to get?

Progress reports have been requested from the following Allied Health services

Include all reports referred to in your request for Internal Review such as:

* O.T functional Capacity Assessment.
* Letter/ report from Physio about hours of therapy needed.
* Letter/ report from Behaviour Support therapist about type of therapy needed.
* Letter/ report from Clinical Psychologist/ psychiatrist.

If you have requested other quotes from service providers, or specialist reports, but they aren’t included with the Internal Review as you don’t have a copy yet list them as well (and then submit to NDIS once you have them)

**You can also write a letter to the NDIA and address it to PO Box 700 Canberra ACT 2601; telephone us on 1800 800110, or lodge your Application for review of a reviewable decision form at your local NDIS office.**

**Personal information collected**

The NDIA needs to collect some of your personal information so it can effectively conduct an internal review of a reviewable decision made under the *National Disability Insurance Scheme Act 2013*.

Just so you are aware, any personal information the NDIA collects is protected under the NDIS Act and the *Privacy Act 1988*.

You can also ask to see what personal information (if any) the NDIA has about you at any time, and you can get it corrected if your information is wrong.

**Personal information use and disclosure**

The NDIA will use your personal information to do an internal review of a reviewable decision made under the NDIS Act.

If you do not provide all of the information requested on this form, your request for an internal review may be delayed due to the NDIA not having enough information to consider the decision, which is under review.

The NDIA will not use any of your personal information for any other purposes, or disclose it to any other organisations, individuals or overseas recipients unless it is authorised by law or you give us consent.

The NDIA’s privacy statement describes

* how we will use your personal information;
* reasons why some personal information may be given to other organisations from time to time;
* how you can access the personal information we have about you on our system;
* how you may complain about a breach of the Australian Privacy Principles and how the NDIA will deal with your complaint; and
* how you can correct your personal information if it is wrong.

You can [read the statement on the NDIS website](http://www.ndis.gov.au/privacy).

**Personal information storage**

The NDIA uses an Australian Government computer system to store personal information. System users other than NDIA staff may at times be able to see your name when performing duties for their own programs but they are not permitted to record, use or disclose any information and they will not know if you become an NDIS participant. State or territory government officials may also have access to your personal information as part of the agreement between governments to assist the states and territories in their NDIS evaluation.

Appendix 1- Reviewable Decisions

 Each of the following CEO decisions is a ***reviewable decision***:

 (a) a decision a person does not meet the access criteria;

 (b) a decision not to specify a period under s 26(2)(b);

 (c) a decision to revoke a person’s status as a participant;

 (d) a decision to approve the statement of participant supports in a participant’s plan;

 (e) a decision not to extend a grace period;

 (f) a decision not to review a participant’s plan;

 (g) a decision to refuse to approve a person or entity as a registered provider of supports;

 (h) a decision to revoke an instrument approving a person or entity as a registered provider of supports;

 (i) a decision to make, or not to make, a determination in relation to a person;

 (j) a decision not to determine a child can represent themselves;

 (k) a decision to make, or not to make, a determination a person has parental responsibility for a child;

 (l) a decision to appoint a plan nominee;

 (m) a decision to appoint a correspondence nominee;

 (n) a decision to cancel or suspend, or not to cancel or suspend, the appointment of a nominee;

 (o) a decision to give a notice to require a person to take reasonable action to claim or obtain compensation;

 (oa) a decision to refuse to extend a period;

 (ob) a decision to take action to claim or obtain compensation;

 (oc) a decision to take over the conduct of a claim;

 (p) a decision to give a notice the CEO proposes to recover an amount;

 (q) a decision not to treat the whole or part of a compensation payment as not having been fixed by a judgement or settlement;

 (r) a decision not to write off a debt;

 (s) a decision under section 192 that the CEO is not required to waive a debt;

 (t) a decision under section 193 not to waive a debt;

 (u) a decision the CEO is not required to waive a debt;

 (v) a decision under section 195 not to waive a debt

**Checklist for the Internal Review**

|  |
| --- |
| **I want to review an NDIS decision** |
|  | I have received a decision in writing from NDIS that I want to review. | Image result for stock image paperwork |
|  | I have looked through the information in this toolkit and have asked someone I trust to help me fill outthe blank NDIS Request for Internal Review form. | Image result for stock image paperwork |
| **I need to get my doctor or health professional to provide evidence to go along with my Internal Review request.**  |
|  | I have looked at the supporting evidence letter information.  | Image result for stock image paperwork |
|  | I have booked an hour-long appointment with my GP or health professional. I have told them I need further evidence of my disability, and how my disability impacts my ability to do everyday tasks.  | Image result for stock image stethoscope |
| **What I Need To Prepare Before My Appointment with my GP or Health Professional-**  |
|  | I have written about how my impairment/s impacts my everyday life using the template provided. | Image result for clip art pen and paper images |
|  | I have copies of other assessments and reports, or asked for these to be sent to my doctor.  | Image result for stock image paperwork |
|  | I have gathered all of the paperwork to bring to my appointment. | Image result for stock image paperwork |
|  | I have asked someone I trust to come with me if I think I need a support person. |  |
| C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp | Be aware that you might need more than one appointment to write the report. It is okay if you cannot get everything done at the first appointment. | C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp |
| **During My Appointment with my GP or Allied Health Professional** |
|  | I have asked my doctor/ health professional to write down:* what my primary disability is,
* how it impacts my ability to do everyday things.
* What supports I need to do everyday activities/ tasks.
 | Image result for clip art pen and paper images |
|  | I have asked my doctor/ allied health professional to write down what assessments were done to make the diagnosis for my disability. I have given copies of my reports and assessments to my doctor and asked them to attach these to their reports. | Image result for clip art pen and paper images |
|  | I have asked my doctor to write about: * any treatments, medications and therapy that I am currently on,
* have already taken, and
* might still need to try in the future.
 | Image result for clip art pen and paper images |
|  | I have asked my doctor/ allied health professional to write about the type of support I need and how often I need this support (such as daily, weekly, or monthly). | Image result for clip art pen and paper images |
| C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp | It is important that your doctor/ allied health professional clearly writes that your disability is likely to be permanent or life-long, and how your disability impacts on your everyday life.  | C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp |
| **After My Appointment with my GP or Allied Health Professional** |
|  | I have all of my letters, reports and assessments. I am now ready to send them to the NDIA with my Internal Review request:by post, email or in-person at my local NDIS office. | Image result for stock image paperwork |
|  | Before submitting my Internal Review form if I would like someone to read my paperwork, I can speak to a trusted person or an advocate about this.  | Image result for stock image paperwork |
|  | I have sent all the paperwork to the NDIA- within 13 weeks of an NDIA decision being made. I have confirmed with NDIA that my request for Internal Review has been received by NDIA | C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\7C4F1903.tmp |
| C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp | When the NDIA receive my paperwork, I may need to wait until a Review Case Officer is allocated to do my request for Internal Review. I can contact NDIA if I have not had any contact within 8 weeks of submitting my request for review. | C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp |
| **Whom can I talk to for extra help?** |
| C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp | Advocacy Agencies in WA:PWdWASussex Street Community Law service.Uniting Care West- Your Say.MIDLAS.EDAC.Explorability.Advocacy WA (Bunbury) | C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\DD66725A.tmp |
| C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\44DAFB57.tmp | The NDIA on 1800 800 110.feedback@ndis.gov.au | C:\Users\Michele\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\13833B78.tmp |