

SCIA workshop series:

Reviewing NDIS decisions

Workshop 1 – internal reviews

If you don't agree with a decision made by the NDIS, in most cases you can have that decision reviewed. These are called **reviewable decisions**.

In this series of fact sheets we will guide you through understanding and pursuing **internal** and **external reviews**. So let's get started.

Internal review

When the NDIA makes a decision such as issuing you a new plan as part of the normal process after your previous plan expires, this is now called a **plan reassessment**. If, for some reason, you do not agree with the original plan decision, you can ask for an **internal review**.

This might be because the funding is not correct in a specific area, such as CB Daily Activities or Core. Or it might be that there is an error by not providing funding under Capital for assistive technology.

What decisions can be reviewed?

The **NDIS Act** is the legislation that sets out how the NDIS is to operate. Many decisions are reviewable and include when the NDIA decide:

- You're not eligible for the NDIS
- To approve your plan, which includes approving the support found in your plan
- Not to do a plan reassessment
- Not to do a plan variation
- To vary your plan

As a participant, if you don't agree with your plan, you can ask to review some parts of your plan. The NDIA can review:

- What NDIS funded supports are included in your plan
- How your funding is managed
- How long your plan goes for
- How your plan has been varied

There are 3 types of plan review within the NDIS: Plan Reassessment, Plan Variation and Internal Review of a Decision:

1. **Plan Reassessment** – Is a new term for plan review and change of circumstances and typically involves a meeting with an NDIS Delegate or a Local Area Coordinator (LAC). These plan reassessments are initiated as there may be major changes to your NDIS Plan required.
2. **Plan Variation** – Replaces a Light Touch Review or Plan Extension and can occur during a crisis to include much needed funds or vary how funding is managed. Examples include: inclusion of assistive technology and changing how funds are managed.
3. **Internal Review of a Decision** – Is the same as a Review of a Reviewable Decision or S100. These reviews are initiated by participants when they feel that supports required have not been provided and the decision is reviewed by a different staff member within the NDIS.

Plan Renewals continue to remain available to participants.

How do you ask for an internal review of a decision?

Once a decision is made, such as issuing a new plan, you have three months (100 days) from the day you receive the decision to ask the NDIS for a review. There are a few ways you can ask to review a decision. You can:

- Complete the [request for a review of a decision](#) form and email it to the NDIA
- Send an email with supporting evidence to enquires@ndis.gov.au
- Call the NDIS on 1800 800 110 and verbally request a review of a decision
- Visit an NDIS office

Providing additional information

It's a good idea to provide additional information in support of your request for an internal review. This would include:

- What decision you were expecting
- Why are you think the NDIA should make a different decision
- If there is any additional information you would like the NDIA to consider
- If you have any new evidence, such as medical or therapy reports to be considered

Think about what further information you can provide to support your argument for a change in the decision. This might include reports related to your disability, invoices, quotes

and service agreements with disability support providers. Any material that relates to your circumstances and day-to-day life.

How long does a request to review a decision take?

The **Participant Service Guarantee** stipulates that all internal reviews must be completed **within 60 days** from the day after the NDIS received your request.

A review of the decision will be conducted by a NDIA staff member who was not involved in the original decision-making process. This staff member will take into consideration all relevant law and policy to determine if the decision was accurate. You will receive a copy of the decision that is made in the form of a letter, outlining the reasons for the decision.

There are generally three possibilities when a decision is made:

1. The original decision is affirmed, meaning there was no change to the decision.
2. A decision to vary the original decision by making adjustments to some parts of the plan
3. To overturn the decision and issue a new plan

What if you are still not happy after the outcome of the internal review?

Once an internal review decision is made, NDIA cannot do another internal review on the same decision. However you can ask the **Administrative Appeals Tribunal (AAT)** to review it. This is called an **external review**.

This information will be outlined in the internal review decision letter. You will have **28 days** from the date you receive this decision to make an application with the AAT.

What if your situation or details have changed since we made the decision?

An internal review of a decision checks if the NDIS made the right decision under the law, at the time the decision was made. This means any changes that have happened since the decision was made will not be considered as part of the internal review of the decision. If your situation and support needs have changed since the decision, you can ask the NDIS to change your plan. If your situation changes while waiting for an internal review of a decision, you are encouraged to contact the NDIS as they will discuss available options to you and how this could affect your review. If the NDIS decides to do a plan reassessment, they will consider your new situation and support needs, and decide what supports to include in your new plan.

Change of Circumstances

The NDIS understands that your situation may change, or you may want to ask for a plan reassessment. It is important to alert the NDIS if your situation or details have changed as it can affect your plan or whether you remain eligible for the NDIS. It is important to alert the NDIS if you are expecting changes to occur in the future.

What changes should you tell the NDIS about?

- You must alert the NDIS if your contact details such as your address, phone number or email address change.
- If there have been significant changes to the informal support your friends and family can provide.
- If you are starting a new job and require new or different supports at work.
- If you are travelling overseas for a long period of time, or if you are moving overseas.
- If you are moving out of residential accommodation or aged care facility and you need new or different supports within your new home.
- You receive or claim compensation for an accident or illness related to your disability.

Why should you tell the NDIS about a change in contact details?

The NDIS requires up to date contact details to ensure they can:

- Make sure your participant details are up to date.
- Contact you, your authorized representative, or your nominee if and when they need to.
- Keeping your contact details up to date helps the NDIS get in touch with you quickly to provide you with important information about your plan or tell you about the progress of a decision you have asked the NDIS to make.

How to let the NDIS know if your situation or details have changed

You can let the NDIS know that your situation or details have changed by:

- Contacting the NDIA by calling them on 1800 800 110
- By sending the NDIA an email and include any evidence to support your request. You can email the NDIA on enquiries@ndis.gov.au
- By completing a [Change of details or change of situation form](#) and sending it to the NDIA via enquiries@ndis.gov.au.
- By sending the NDIA a letter and include any evidence to support your request.

- By visiting one of your local NDIS or Local Area Coordinator (LAC) offices.

Change of details or change of situation form

The NDIS have created the Change of details or change of situation form to make it easier for you to tell them about changes in your life. This form can be used to tell the NDIS if:

- There are changes to your situation
- Your contact details such as your phone number, address or email address has changed.
- You would like to request a plan reassessment.

What happens next?

The NDIS will contact you to confirm they have made the changes you asked for, or to discuss your options and next steps.

The NDIS may decide to do a CEO initiated plan change if:

- Your plan needs a variation – for example: to make changes to plan management, emergency funding is required or there is a mistake in your plan that needs to be fixed.
- Your plan needs reassessment – for example: due to significant changes to your situation or if there is an issue with how your funding is being used.

How can I prepare for my plan change?

Before your plan change, you need to gather any assessments, reports, quotes, invoices, etc. to assist the NDIS change your plan. You do not need to gather information for plan variations such as adjusting plan management methods. If you have a support coordinator, the NDIS will require a report from them. This report should discuss how your supports are meeting your needs and helping you pursue your goals.