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Has the NDIA taken self-management away?

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- Huge library of resources
- News and events
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- Claimable on your NDIS plan

Line-item: 01_134_0117_8_1
Item Name: Capacity Building and Training in Self-Management and Plan Management

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Has the NDIA taken self-management away?

Workshop focus

- Understand why self-management can be removed
- Know what reasons and evidence to ask for
- Learn practical pathways to get it back
- Share issues to raise with the NDIA

Why it can happen, what reasons the NDIA should give, and how to work towards getting it back.

Interactive peer discussion

Today's purpose

Understand the rules, protect your rights, and share what is happening.

- Explain when self-management can be refused, restricted or removed
- Understand what "unreasonable risk" means in plain English
- Know what reasons and evidence to ask the NDIA for
- Explore practical ways to show risks have been addressed
- Identify common issues Self Manager Hub can raise with the NDIA

You can share your story, ask questions, talk about what has worked, or simply listen.

This presentation gives general information and peer support. It is not legal advice.

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Start with the plan management decision

Self-management can apply to all or part of a plan.

1 **Self-managed**

Participant, nominee or child representative manages the funding and claims payments.

2 **Plan-managed**

A registered plan manager pays providers and helps track funds and reporting.

3 **Agency-managed**

The NDIA pays registered providers directly.

The plan must specify the extent to which funding is managed by the participant, nominee, plan manager or NDIA.

Sources: NDIS Guide to self-management, NDIS Self-management Policy.

Why self-management matters

For many people it is how choice and control works in real life.

- Choose trusted workers and providers
- Use registered and unregistered providers, where allowed
- Directly employ or contract workers
- Negotiate price and value for money
- Arrange flexible supports that fit daily life
- Build independence, confidence and control

The NDIS guide describes self-management as control over, and responsibility for, arranging and paying for funded supports.

Key question for the workshop: what happens when that control is switched off?

Sources: NDIS Guide to self-management, NDIS Self-management Policy.

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Why self-management can be removed or refused

The NDIA must have a basis in legislation, policy and evidence.

Important: the NDIA should identify the specific reason. Vague concerns are not enough for participants to understand or respond.

Section 44 of the NDIS Act is central to these decisions, especially insolvency and unreasonable risk.

- Current insolvency or bankruptcy arrangements
- Certain convictions involving fraud, dishonesty or serious offences
- The NDIA considers self-management would create an unreasonable risk to the participant
- The NDIA considers funding is unlikely to be spent only on NDIS supports and in line with the plan
- Concerns about the nominee or child representative managing funds

Sources: NDIS Guide to self-management, NDIS Self-management Policy.

What does “unreasonable risk” mean?

Risk must be considered in context, including supports and safeguards.

- Risk of physical, mental, legal or financial harm
- Vulnerability to exploitation, pressure or undue influence
- Ability to make decisions and manage money, including with support
- Past experience managing funding and arranging supports
- Whether suitable supports, capacity building or safeguards can manage the risk

The NDIA policy says risk indicators do not automatically mean a person cannot self-manage.

Ask: what is the risk, what is the evidence, and why can’t it be managed?

Sources: NDIS Guide to self-management, NDIS Self-management Policy.

What should not be used against someone on its own

The NDIA guide and policy set important limits.

The focus should be on actual risk, current circumstances, available supports, and whether safeguards can work.

Workshop prompt: Have people been given broad reasons rather than specific evidence?

- The type of disability or impairment a person has
- The total amount of funding in the plan
- Not using all funding in a previous plan
- A past period of bankruptcy that has ended
- Fluctuating needs, on their own

Sources: NDIS Guide to self-management, NDIS Self-management Policy.

Mistakes, misuse, & fraud are different

The response should match the issue.

- Error or mistake: genuine mistake, no intent to gain a benefit
- Misuse: spending in ways not consistent with the plan
- Conflict of interest: only non-compliant if not declared or managed properly
- Sharp practice: unethical or not in the interests of participants
- Fraud: intentional deception to gain a benefit

The NDIA policy recognises many people try to do the right thing but sometimes make mistakes.

A one-off mistake should be treated differently from deliberate fraud.

Sources: NDIS Self-management Policy.

What the NDIA should do before removing self-management

The policy points to a proportionate, non-adversarial approach.

- Discuss the plan management decision with the participant, nominee or child representative
- Record the reasons and rationale for the decision
- Identify the risks and evidence relied on
- Consider supports, capacity building and safeguards
- Consider whether only part of the plan needs a different management option
- Record any changes and emerging risks in the NDIA system

The plan management decision is a reviewable decision.

Ask for written reasons if they are not provided.

Sources: NDIS Self-management Policy.

If self-management is removed: first steps

Move quickly, stay factual, and protect review rights.

- Ask for the decision in writing
- Ask for the specific legislative or policy basis
- Ask what evidence the NDIA relied on
- Ask what risks were identified
- Ask what supports or safeguards were considered
- Ask whether the decision applies to all or only part of the plan
- Consider requesting an internal review if you disagree

Use calm, clear language. The goal is to understand the decision and address the specific concern.

General information only. Not legal advice.

What evidence can help?

Show that the risk has been addressed or can be managed.

The point is to give the NDIA assurance that non-compliant spending has reduced or no longer exists.

Evidence should address the actual reason the NDIA gave for removing self-management.

- Summary of supports paid by a plan manager
- Invoices, receipts and bank records
- Service agreements, rosters, timesheets or payroll records
- A simple budget showing funds can last
- Evidence that providers or workers have been paid
- A record-keeping system or spreadsheet
- Explanation of any mistake and what has changed since

Sources: user-provided workshop information, NDIS Guide to self-management.

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How to return to self-management

There are several pathways. Choose the one that fits the situation.

Participants can request a change to how their plan is managed, including returning to self-management, when their plan is being reviewed or updated.

1 **Plan reassessment**

Scheduled or unscheduled. Useful when the whole plan is being reviewed more broadly.

2 **Plan variation request**

Ask for a specific change to plan management for the current plan.

3 **Internal review**

Use if the participant is seeking review of a decision to change their plan management type.

- Request within the time limit
- S100 form
- include supporting evidence
- wait for review decision

4 **External review**

If not satisfied with outcome of the internal review apply for external review via ART.

Sources: user-provided workshop information, NDIS Guide to self-management.

Safeguards to propose

Offer a practical pathway back, not just a request.

- Start with part of the plan self-managed
- Use plan management for some supports while rebuilding confidence
- Shorter funding periods or clearer spending rules
- Regular check-ins with the NDIA or support coordinator
- Capacity-building support, training or peer support
- Bookkeeping, payroll or record-keeping help
- Stated supports where a narrow safeguard is needed

Suggested line: "Here is a safe and practical way for me to self-manage again."

Ask why a less restrictive option cannot manage the risk.

Sources: NDIS Guide to self-management, NDIS Self-management Policy.

A simple message to send

Participants can adapt this wording.

I request written reasons for the decision to refuse, restrict or remove self-management.

Please identify the specific risk, the evidence relied on, and the supports, capacity building or safeguards considered before this decision was made.

I want to return to self-management. Please consider a proportionate option, such as partial self-management, regular check-ins, record-keeping support, capacity-building support or a plan variation.

I also request information about my review rights.

Key takeaways

Self-management should be supported wherever risks can be managed.

- Ask for clear written reasons and evidence
- Risk does not automatically mean self-management should be removed
- Mistakes should be treated differently from deliberate misuse or fraud
- Suggest practical safeguards and capacity-building supports
- Show evidence that risks have been addressed
- Use plan reassessment, plan variation or review pathways to seek return to self-management
- Get advocacy, legal or peer support if needed

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Choice and control should be protected through support and safeguards, not removed without clear reasons.

Self Manager Hub can help bring community concerns together.

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Sources used for this presentation

Documents and information this workshop is based on.

- NDIS Guide to self-management
- NDIS Self-management Policy, June 2022
- NDIS Act, especially Section 44 references in the NDIA policy material

Reminder: this is general information and peer support, not legal advice

What we want to hear from the community

Your stories help identify patterns and issues to raise with the NDIA.

We may use themes from this workshop to raise systemic issues with the NDIA. We will not identify people without permission.

You can share as much or as little as you like.

- Why did the NDIA say self-management was removed?
- Were clear reasons and evidence provided?
- Were safeguards or capacity-building supports offered first?
- Were review rights explained?
- What impact did this have on supports, workers, family or daily life?

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