



**Carers Victoria submission**

**Supported School Transport and the National  
Disability Insurance Scheme Discussion Paper**

**July 2018**

**AN AUSTRALIA THAT VALUES AND SUPPORTS ALL CARERS**

## ABOUT CARERS VICTORIA

Carers Victoria is the state-wide peak organisation representing people who provide unpaid care. We represent more than 736,600 family carers across Victoria – people caring for someone with a disability, mental illness, chronic health issue or an age-related condition.

People receiving care could be a parent, child, spouse/partner, grandparent, other relative or friend. Carers Victoria is a member of the National Network of Carers Associations, and the Victorian Carer Services Network. Carers Victoria is a non-profit association which relies on public and private sector support to fulfil its mission with and on behalf of carers.

Carers Victoria is a membership based organisation. Our members are primarily family carers, who play an important role in informing our work, contributing to advocacy and strategic aims, and distributing information more widely to other carers.

This policy paper was prepared by Carers Victoria's Policy Team.

© Carers Association Victoria 2018.

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Copyright Officer, Carers Victoria, PO Box 2204, Footscray, Victoria, 3011.

For information contact:  
Scott Walker  
Chief Executive Officer  
Carers Victoria  
Telephone: 03 9396 9509  
Facsimile: 03 9396 9555  
Email: [scott.walker@carersvictoria.org.au](mailto:scott.walker@carersvictoria.org.au)  
Website: [www.carersvictoria.org.au](http://www.carersvictoria.org.au)

## CONTENTS

EXECUTIVE SUMMARY .....	4
RECOMMENDATIONS .....	5
Victorian Supported School Transport Program Vs Proposed NDIS Model .....	6
CARERS VICTORIA'S RESPONSE TO SELECTED QUESTIONS .....	9
Should current arrangements remain? .....	9
What are the benefits to families/carers of directly organising supported school transport? What are the challenges? What are the risks? .....	10
How could a transport broker help you manage supported school transport? .....	11
What are the benefits for families/carers of using a transport broker? What are the risks? .....	11
What systems need to be in place to make sure that children are safe when travelling to and from school? .....	12
What responsibilities should transport brokers and transport providers have to keep children safe? What should be the responsibilities of the parents and schools? .....	12
What factors will the NDIA need to consider in understanding the costs of the potential model? .....	12
What are the benefits to families of managing provider payments themselves? What support would be helpful in managing this? .....	13
FURTHER COMMENTS.....	13
Appendix One .....	15

## EXECUTIVE SUMMARY

Carers Victoria welcomes the opportunity to respond to the Supported School Transport and the National Disability Insurance Scheme (NDIS) Discussion Paper.

The Discussion Paper provides an important insight into current government and NDIA thinking about the transition of supported school transport to the NDIS, highlighting a preference for national consistency to “ensure that students have access to supported school transport, no matter where they live”. However, we believe the aspiration of national consistency is not the only desirable outcome: existing infrastructure built over decades at a State or regional level should not be swept aside. The challenge is how to bring States, Territories and regions into line with best practice.

Further to this, we believe the concepts and models proposed in the Discussion Paper only provide a first step in the development of any plans for the future of supported school transport and the community should be allowed to comment on further refinements of any proposed change.

Carers Victoria’s concerns include the rationale for the Transport Broker role, as distinct from Support Coordinator; we believe there are significant parallels between the two roles. For families who are employing a support coordinator because funding for the support is included in the NDIS plan of the child, liaising with two individuals undertaking similar duties is time consuming and an administrative inconvenience. In addition, overall responsibility of Plan implementation needs to be clarified. Adding the Transport Broker role could increase the risk of funded supports not being actioned in a timely way.

Carers Victoria is also concerned about the outcomes for children and families if sufficient transitional arrangements are not embedded prior to any move to the NDIS. The Discussion Paper makes it clear existing funded supports for school transport will not be available to all NDIS participants of school age. We suggest the Victorian Government consider the merit of designating students and families who currently utilise supported school transport as being part of a ‘defined program’ to automatically roll over this service to the NDIS. This will avoid current students having to test their eligibility for supported school transport and face potential disruption to their education.

Carers Victoria would also like to highlight the limitations of a Discussion Paper focused on a supported school transport system that aims for national consistency without further reference to each State and Territory’s education system and the interface with Commonwealth funding arrangements. Australian children access widely variable educational opportunities. In Victoria options for children with disability can be especially limited despite the Government’s inclusive education reform agenda designed to address the disadvantage faced by such students. A recent report<sup>i</sup> found widespread discrimination of children with disability at the point of enrolment in addition to inadequately designed and implemented adjustments within the classroom. In response, many parents feel they have no option but to choose specialist development or independent schools at additional cost.<sup>1</sup> Any changes in supported school transport should be closely aligned with educational policies where children are given specialised support to attend the school which is best for them, without necessarily choosing a specialist developmental school, in order to access an appropriate and safe mode of school transport as is the case in Victoria.

---

<sup>1</sup> St Paul’s College is a specialist school providing education for children aged five to 18 years with a wide range of intellectual, physical, profound multiple and sensory disabilities, as well as complex medical needs. This school does not receive funding from the Victorian Students with Disabilities Transport Program.

Finally, Carers Victoria believes more transparency is required to allow community input to be meaningful. We call on DSS and the NDIA, together with the Centre for Market Design, to release the data collected during the 2017 pilot conducted in the Barwon region of Victoria "...where a designed market will be used to allocate and price school transport service contracts for students with disabilities."<sup>ii</sup> According to its 2016-17 Annual Report, the Centre for Market Development "...has developed a mechanism that allows recipients of disability funding to purchase services tailored to their specific needs, coordinate with others where economies of scale are important and harness competition to minimise the cost of services purchased."<sup>iii</sup> Without access to the data collected in the pilot and any subsequent reports, opportunities to consider changing the current system will only be partially informed.

## RECOMMENDATIONS

1. The Department of Social Services allows further community consultation on any costing of the potential model, and any alternatives.
2. The NDIA, together with the Centre for Market Design, releases data obtained during the 2017 pilot (or any subsequent research) into the "Smart market for transporting students with disability" in the Barwon region of Victoria.
3. Supported school transport is not transitioned to the NDIS until the disability services market has sufficiently matured.
4. If supported school transport is transitioned to the NDIS, current students are grandfathered and can continue to access the **same level** of funding as under the old system to avoid disruptions to the child's education.
5. An imperative for national consistency is not achieved at the expense of local knowledge and infrastructure.
6. Families be given the option to engage their current Support Coordinator (in the event they have one) to undertake the duties of transport provider brokerage. This will allow whole-of-person support coordination, rather than separating key elements of a participant's plan to separate professionals.

## Victorian Supported School Transport Program Vs Proposed NDIS Model

This section compares the current Victorian Program administered by the Department of Education and Training with the proposed model administered by the NDIA.

*Table 1 Current Victorian school transport program and proposed NDIS model*

	<b>Victorian Students with Disabilities Transport Program June 2018</b>	<b>Proposed Supported School Transport Model under NDIS</b>
Target group	<p>Funding provided to DET government specialist or integrated schools.</p> <p>The term 'integrated schools' is defined as "co-located mainstream and specialist schools that have an integrated governance model".</p>	<p>Funding provided to NDIS participants.</p> <p>It is unclear whether the funding is provided irrespective of school or location.</p>
Eligibility criteria	<p>Students with Disabilities Program eligible, and</p> <p>Reside in Designated Transport Area of the school attended, and</p> <p>Be enrolled for 3 or more days per week, and</p> <p>Be of school age and reside in Victoria, and</p> <p>Must reside more than 4.8km away.</p> <p>(Students with higher needs are given priority to bus services).</p>	<p>School transport is a reasonable and necessary support for participant.</p> <p>Consider what is appropriate for families to provide; family/parental responsibility must not be abrogated.</p>
Stakeholders	<p>School principal, family, Department's regional offices, and Student Transport Unit (STU);</p> <p>Principals have overall responsibility for the day-to-day management of Department-provided SDTP services within their school.</p>	<p>Participant, family and NDIS planner</p> <p>Potential: an advocate, transport broker or Support Coordinator</p> <p>Parents, NDIA/LAC, transport broker (if available) and transport provider</p> <p>Note: Principals are not mentioned at all in the Discussion Paper.</p>

Decision-making	<p>Most of the decision-making authority rests with Principals.</p> <p>Principals assess applications of students who reside at more than one address.</p> <p>Appeals or reviews of decision are made through the school; Schools must have the application <b>endorsed</b> by their regional office prior to submitting to the STU.</p>	NDIA with potential for internal and external review at Administrative Appeals Tribunal (AAT).
Service offered:	<p>Students with Disabilities Transport Program offers:</p> <ul style="list-style-type: none"> <li>• Travel education</li> <li>• Conveyance allowance</li> <li>• SDTP school buses</li> <li>• SDTP school taxis</li> <li>• School Bus Program (for students with disabilities who can travel independently)</li> </ul>	<p>Proposed support school transport in the NDIS may include:</p> <ul style="list-style-type: none"> <li>• Supported school transport (specialist buses and vehicles)</li> <li>• Other supports, including a chaperone/support person to accompany the student to/from school</li> <li>• Travel training to use public or regular school transport</li> <li>• Vehicle modification</li> <li>• Funding for a transport broker, where families choose this option, to assist with organising support school transport.</li> </ul>
Parents' responsibilities	<ul style="list-style-type: none"> <li>• Discuss their child's travel needs and requirements with the school</li> <li>• Prepare their child for travel, giving consideration to toileting, hydration and medical needs</li> <li>• Work cooperatively with schools and the bus operator regarding day-to-day travel issues and be available to offer support when any issues arise</li> <li>• Assist the supervisor as required to get their child on and off the school bus or in and out of the taxi service</li> <li>• Report a recent change in their child's condition that might affect the safety of their child or other passengers</li> </ul>	<p>In line with the NDIS principles of choice and control, families/carers would decide whether they wish to:</p> <ul style="list-style-type: none"> <li>• Identify and directly organise a provider/providers of supported school transport; or</li> <li>• Use a service (known as a transport broker – see next section) to help them organise supported school transport.</li> </ul> <p>This would mean that families/carers (potentially with the assistance of a transport broker) would be responsible for negotiating the following details through a service agreement with transport providers:</p> <ul style="list-style-type: none"> <li>• The type of transport services (mode of transport, vehicle type,</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure their child is at the pick-up point at least five minutes prior to the departure time</li> <li>• Ensure they are waiting for their child at the drop-off point at least five minutes prior to the arrival time unless the student's travel plan confirms the student may travel home independently from the drop-off point</li> <li>• Provide the receipt, use and return of specialised travel equipment required during transit</li> <li>• Ensure the school has their current contact numbers in the event of emergency</li> <li>• Report any incidents regarding travel that are a cause for concern to the school. If an issue is significant or of ongoing concern it may be addressed in writing to the STU.</li> <li>• Parents/guardians must communicate directly with the school and not bus operators, except in the following circumstances: in the event of absence of their child from the morning bus run in the event of an emergency.</li> </ul> <p>The Department requires all students accessing a SDTP-provided service to be accompanied to and from the bus or taxi.</p>	<p>chaperone/support person if required)</p> <ul style="list-style-type: none"> <li>• Price of transport services</li> <li>• routes to and from school, and pick up/drop off times [see below]</li> <li>• Payment arrangements</li> <li>• Duration of services and service agreement, normally for the school year</li> <li>• Individual care plan for the child (includes behaviour support or any assistance with medication, mobility aids, etc) and who is responsible at which stage of the journey</li> <li>• Processes for changes to agreed services, for example in case of illness and not attending school on a particular day; in the event of a vehicle breakdown; or extreme weather conditions.</li> </ul>
Parents' rights	Cannot choose for service between school and locations other than residence. <i>Some</i> [not a lot] accommodation can be made to drop children off at respite care, therapy or out of school hours care.	<p>Choose transport provider</p> <p>Can negotiate with transport providers around individual needs and circumstances, such as travel time and pick up and drop off points</p> <p>Potentially use a transport broker</p> <p>To use NDIS registered or unregistered transport brokers and/or providers.</p>



Other notes	<p>Schools sign an MOU with bus operator and liaise on a day-to-day basis re travel.</p> <p>Department only provides services between a student's residence and their local specialist or integrated school. The Department does not provide shuttle services between school campuses, base rooms or annexes, or to any programs not located on the main school site or campus.</p>	Transport providers would be responsible for the scheduling of routes.
-------------	---	--

## CARERS VICTORIA'S RESPONSE TO SELECTED QUESTIONS

In this section Carers Victoria is responding to relevant questions which specifically relate to families and carers in the Supported School Transport and the National Disability Insurance Scheme Discussion Paper. These are informed by Carers Victoria's interaction with families and carers of people with disability, as well as Carers Victoria's specialist carer support workers.

### Should current arrangements remain?

Carers Victoria recommends the current Victorian Students with Disabilities Transport Program arrangements remain operational until the disability services market ushered in by the NDIS has sufficiently matured to accommodate the inclusion of school transport in a way that ensures appropriate services for children with disability (irrespective of their eligibility for the NDIS), families and carers.

While the NDIS theoretically represents more choice for people with disability, their families and carers, Carers Victoria is concerned if supported school transport is moved to the NDIS, many of the challenges documented since national rollout in 2016 will be mimicked to the detriment of children's educational opportunities, along with employment and participation opportunities of their families and carers.

Many families and carers have stated they often do not feel heard during planning meetings and are not given the opportunity to view the plan prior to its approval by the NDIA delegate. Such opportunities for feedback will increase the perception that families' and carers' needs matter to the ongoing sustainability of the Scheme and decrease the likelihood of unscheduled reviews that the Agency currently must work through.<sup>iv</sup>

It is noted the Productivity Commission considers adding school transport to the NDIS will add \$300–\$600 million each year to the cost of the Scheme but this cost has so far "...not been included in the Agency's cost modelling or financial sustainability reporting for the full Scheme".<sup>v</sup> This costing will need to occur if supported school transport is transitioned to the NDIS with full agreement of State and Territory Governments and the Commonwealth Government.

## What are the benefits to families/carers of directly organising supported school transport? What are the challenges? What are the risks?

It is well documented the change the NDIS represents for people with disability, their families and carers, and the work force – irrespective of eligibility for the NDIS – has been significant and not always positive.

Carers Victoria has consistently raised concerns about the impact of poor NDIS planning processes and inadequate plans on participants, their families and carers. One major factor in the quality of NDIS plans has been the variable level of planner expertise. It is noted from July 2018, the NDIA plans to introduce a 6-week training period for planners; however, it is not clear if this includes existing staff and is a minimum training period. In Victoria, LACs utilised phone-based planning mechanisms during the first phase of national rollout (post July 2016) to the detriment of NDIS participants and plans.

A transition of the supported school transport system from the States and Territories to the NDIS will invariably bring into question how the NDIA and its community partners will operationalise its mandate to fund individualised school transport as a reasonable and necessary support, together with “...so far as reasonably practicable:...consider[ing] and respect[ing] the role of family, carers and other persons who are significant in the life of the participant”. The NDIS often bases its decisions with reference to normative understandings of person-hood, making comparisons with typically developing peers and their social milieu; however, in contemporary Australian society it is almost impossible to define a typical pattern of travel to school. High school age children travel to school in a variety of ways ranging from independent use of public transport to parent chaperone in a vehicle. In regional or rural areas, the Victorian Department of Education and Training provides subsidies for bus transport of students.

A risk is the NDIA will view the issue in narrow terms and argue the cost of supported school transport is most appropriately funded or provided through mainstream transport systems as part of a universal service obligation. This approach is particularly concerning for participants and families living in peri-urban, regional, rural or remote locations where public or community transport is irregular and costly. Or perhaps more commonly, planners will be instructed to delay decisions for supported school transport by investigating what other supports may be funded in participant plans such vehicle modifications and/or travel training. In the context of NDIS funding vehicle modifications, these funds are often restricted by the NDIA if a second-hand vehicle is the only affordable option for participants, families and carers.

It is also necessary to situate questions of supported school transport within the broader context of NDIS funding for transport supports for adult participants. Below is an excerpt of the [NDIA's](#) current approach to funded transport supports for adults:

*When considering whether a proposed transport support represents value for money, the NDIA will compare the costs of transport to the overall costs of alternative supports which may provide a similar level of independence or reduce a participant's future needs for supports. Transport should only be funded where it has been determined to be reasonable and necessary, where it is an additional cost incurred solely and directly as a result of a participant's disability support needs and, where ancillary to another funded support, it is a cost which the participant would not otherwise incur...It does not follow, merely because transport is ancillary to a funded support, that it should be funded. The circumstances in which transport may be funded are strictly limited.*

The NDIA's current transport supports policy infers transport is a stand-alone support rather than an integral element of full participation; however, Carers Victoria appreciates transport is not an end in itself but rather a means to an end. Social isolation can be exacerbated for individuals without access to regular and safe transport.

The impact of the NDIA's transport policy is generally felt in negative ways. For instance, Carers Victoria has received reports of participant plans with funded transport support to facilitate attendance at day centre programs only on a part time rather than full time basis, as previously the case prior to a participant's NDIS plan. In response, providers are developing ways to negotiate these funding constraints with specific instructions for planning meetings (please see Appendix 1).

It should also be noted the Victorian Government is on the record expressing its concern that "...NDIS may not be providing adequate transport support to participants...as a result, Victoria is currently paying taxi subsidies to NDIS participants as well as making its agreed contributions to the NDIS under [its] bilateral agreement with the Commonwealth".<sup>vi</sup>

One positive benefit of rolling Supported School Transport into the NDIS is the clearer path for participants, their families and carers to seek review of decisions, first internally within the NDIA and externally at the Administrative Appeals Tribunal (AAT) and the Federal Court. While the review of decisions should not be brought vexatiously, these review mechanisms allow participants, their families and carers the opportunity that most current State-run programs do not.

### **How could a transport broker help you manage supported school transport?**

A transport broker, whose role appears to be similar to Support Coordination (Support Category 3.07), may be able to negotiate on the family's behalf to secure an appropriate supported school transport provider. A broker with experience of disability services and/or transport providers is best placed to screen a range of transport providers (in the event there will be competition) and make a recommendation based on the needs and preferences of the family.

### **What are the benefits for families/carers of using a transport broker? What are the risks?**

A potential benefit for families/carers using a transport broker is the opportunity to share the stress and responsibility of managing multiple providers and service agreements – it is likely the participant will have many funded supports included in their plan – and tell their story once. For example, if not using a transport broker, a parent/carer is required to call each transport service provider and explain their situation. If using a transport broker, they can tell their story once and the transport broker will be able to speak to several transport service providers.

A potential risk for families/carers of using a transport broker is similar to that of other brokered consumer services, where the broker recommends the provider they receive the largest commission from, rather than the provider that best meets the needs of the participant and their family.

## **What systems need to be in place to make sure that children are safe when travelling to and from school?**

Children with disabilities are especially vulnerable to ad hoc or sustained harm or abuse from adults and children with or without disability.<sup>vii</sup> Supported school transportation should be undertaken to ensure the highest safety standards are adhered to. Regular inspections by independent authorities or third parties are required to verify company audits. Recently, in light of high-profile instances when children have been left on board buses, the Victorian Government has funded 440 school buses to be fitted with scanners which "...will require drivers and supervisors to walk to the back of the bus and scan a card reader after inspecting the aisles for children following a school run."<sup>viii</sup> However, employment of suitable bus supervisors is also important as they are able to provide assistance to children while the bus is in transit. Suitability includes the ability to respond to children's medical needs, as well as fostering an environment which prevents abuse and promotes personal safety for young people with disability.

## **What responsibilities should transport brokers and transport providers have to keep children safe? What should be the responsibilities of the parents and schools?**

Parents should be responsible for fully informing the transport company and any on-the-ground staff, such as drivers or chaperones, of any transport supervision or support issues with their child or children. These insights can be recorded and conveyed by the transport broker to the transport providers. Transport providers have a responsibility to provide a safe vehicle for children to travel and adhere to contemporary safety regulations.

## **What factors will the NDIA need to consider in understanding the costs of the potential model?**

In costing a potential model, the NDIA will need to carefully consider its assumptions about the responsibility of parents to transport their children to school within the context of each family's circumstances.

Divisions between parental responsibility and specialist disability supports requires skilful attention. Of course, in the absence of adequate specialist disability supports which have been characteristic of State and Territory disability program funding prior to the NDIS, parents provided the supports their children needed; however, this commonly occurred at a high cost to their own physical and mental health or sometimes at the expense of paid employment in the career of their choosing. The advent of the NDIS promised a move away from rationed and means-tested eligibility criteria to an emphasis on reasonable and necessary supports to address each individual's functional capacity. Carers Victoria believes it is ultimately unhelpful to NDIS participants, particularly children and the Scheme itself if they are viewed as individuals in narrow terms, with the only reference to their family as a means of achieving lower costs in the short term.

For instance, the Productivity Commission has noted the importance of the NDIA funding supports such as respite in order to assist "informal carers care for longer". In its 2017 Report on NDIS Costs, the Commission noted: "A lack of respite may mean that informal carers are unable to support family members and friends who are NDIS participants. This will require more formal and costly supports in their place. It was for this reason that the Commission in its 2011 Disability Care and Support Inquiry recommended that the needs of carers be considered as part of a participant's individualised supports."<sup>ix</sup>

Despite such a recommendation, carers have only nominal recognition in the NDIS Act 2013 (the Act). Section 3 (3)(c)(ii) of the Act states regard is to be had to the Carer Recognition Act

2010 (the Carer Recognition Act). The Carer Recognition Act includes a Statement for Australia's Carers (section 6) which recognises and respects the critical role carers have in the lives of the person they share a care relationship with. It emphasises partnerships in decision-making with service providers, taking into account carers' own needs within and beyond the caring role, and providing them with timely support.

The *NDIS Act 2013*, further nominally recognises care relationships at:

- Section 31(c) - 'the preparation, review and replacement of a participant's plan, and the management of the funding for supports under a participant's plan, should, so far as reasonably practicable: ...consider and respect the role of family, carers and other persons who are significant in the life of the participant'.

In deciding what is reasonable for families to provide, the NDIA is to 'consider' [Rule 3.4(b) Supports for Participants Rules]:

- the extent of any risks to the wellbeing of the participant arising from the participant's reliance on the support of family members, carers, informal networks and the community
- the suitability of family members, carers, informal networks and the community to provide the supports that the participant requires, the extent to which informal supports contribute to or reduce a participant's level of independence and other outcomes, and
- the desirability of supporting and developing the potential contributions of informal supports and networks within their communities.

Yet, two recent cases at the Administrative Appeals Tribunal show how divergent decisions can be made to, on the one hand "consider and respect the role of family, carers and other persons who are significant in the life of the participant", and on the other hand, to *sustain* care relationships, by recognising the carer has their own needs such as support coordination, planned and emergency respite. These are discussed below.

Carers Victoria is not advocating for an abrogation of parental responsibility. We are advocating for appropriate and meaningful consultation with families and carers about the extent they can provide transport to and from the participant's school, considering the participant's disability support needs and the family's individual circumstances.

### **What are the benefits to families of managing provider payments themselves? What support would be helpful in managing this?**

Some parents may believe a self-management option, which can be selected by participants, families and carers to implement NDIS plans, will provide them with the flexibility to employ their own transport provider and negotiate directly with them over questions of the route, the vehicle environment and price. However, it should be noted self-management can add another layer of complexity to NDIS plan implementation. Decisions regarding plan management (whether it is Agency, self-management or management by a third party) must be made by participants, their families and carers who are well-informed of the consequences of the decision.

### **FURTHER COMMENTS**

The two cases discussed are [PNFK and the National Disability Insurance Agency \(2018\) AATA 692 \(28 March 2018\) File number:2017/4514](#) and [QZHH and the National Disability Insurance Scheme Division \[2018\] AATA 1465 \(31 May 2018\) File number 2017/3464](#). These are illustrative of assumptions the NDIA make about parental responsibility for a child with disability.

The logic of NDIA's case rested on a very narrow view of what level of care can be expected of parents to provide *amongst* their other duties to each other as a spouse, other children in the family and the ongoing sustainability of expecting parents to participate economically and shoulder the responsibility of children with significant care needs.

In the case of QZHH, the child's mother was eligible as an NDIS participant because of her psychosocial disability and the child's father has consistently maintained his own mental health had deteriorated significantly and he had been diagnosed with depression. Yet, the NDIA maintained that the father was an appropriate carer for his child when he was not at work (with the mother's support) with the AAT member concurring. This view did not allow for parents to be parents, not just for the child who was an NDIS participant, but also for their other child.

In contrast, the decision made re PNFK demonstrates an astute and keen understanding of family dynamics in the context of caring for a child with very high support needs in the immediate and long term. It should be noted the NDIA objected to a decision by the Tribunal member to provide core supports on the days the child's mother was not currently working. However, the member noted the mother wished to return to full time work and on this basis, he instated the supports. Supports for the parents and other children to experience 'respite' were also provided on the basis these would assist in sustaining the NDIS participant's informal supports over the long term.

## Appendix One



MiLife-Victoria Inc.  
(Formerly Peninsula Access  
Support and Training)  
Reg No: A0025487A  
Suite 1, Level 1,  
108-120 Young Street  
Frankston VIC 3199

Tel: 03 9775 7333  
Fax: 03 9770 6825  
National Relay Service: 1300 555 727  
E-mail: enquiries@mlife-victoria.org.au  
www.mlife-victoria.org.au  
ABN: 36 405 794 753  
Donations are tax deductible.

8 June 2018

### **We have a solution to continue our Specialised Transport Service!**

Dear Families/Carers

First of all, thank you to all the families who were able to attend one of our three transport meetings held during the week. I appreciated the opportunity to explain our proposal to you face to face.

For those families who were unable to attend, below is a summary of the solution discussed at the meeting. I also thought those families who attended may appreciate a recap and have therefore sent this letter to all families/Carers of customers whom use our transport.

#### **The solution**

Quite simply we have shifted our focus off drivers and vehicles and reframed our thinking to; 'Providing carer support to assist individuals to get to and from their chosen activities'.

Reframing it in this way enables MiLife-Victoria to charge the **carer time** (the driver), spent getting your person to and from their day activities, against their NDIS plan.

This charge is per individual, for the actual time being supported to get to and from activities (or the centre) and at the appropriate group rate under the NDIS pricing guide (the Centre based rate)

#### **What you need to do if you DO NOT HAVE an NDIS plan**

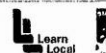
At your person's NDIS planning meeting, you need to ensure there are enough hours in the plan to cover 'carer support' to get to and from their day activities. This means asking for support FROM 7am TO 5pm, for every day they come to MiLife-Victoria and for at least 48 weeks a year. In fact, we encourage you to ask for 52 weeks as we have already seen this being approved and placed in plans for some of our customers.

#### **What you need to do if you HAVE an NDIS plan**

You need to speak with your Support Coordinator or, if you don't have a Support Coordinator, the NDIS office and request a review of the plan on the basis of a CHANGE OF CIRCUMSTANCE. When the plan is reviewed, you need to ask for support FROM 7am TO 5pm, for every day you come to MiLife, for at least 48 weeks a year and as above, we encourage you to ask for 52 weeks as we have already seen this being approved and placed in plans for some of our customers.



In the spirit of respect, MiLife-Victoria acknowledges the Boonoomung members of the Kulin nation, and other Aboriginal Elders, past and present, who have traditional connections to the land on which we meet



**Important planning is required**

Prior to any meeting with the NDIS, it is important that you plan and prepare your reasoning for why your person needs the supports you are requesting. You need to explain why your person needs the 'carer support' to get to and from their activities and why they cannot use public transport, taxis or family members to transport them. For example, some reasons could be (but not limited to); mobility issues, limited or no communication, they may have behaviours of concern, they do not have the cognitive skills required to use public transport, taxis are very unreliable, your person has had previous bad experiences using public transport, or they have high medical needs. The list goes on.

**What will prevent this solution from working?**

The success of this solution is dependent upon you getting enough hours in your person's plan to cover the time to get to and from home to their activities **as well as** the actual day activities time itself.

**What do you do about the letter that said you must pay a transport fee from July 1<sup>st</sup> 2018?**

Put simply, rip it up and throw the letter out!

The current fee arrangements will remain in place until your person transitions into the scheme. Providing you obtain the additional hours in your persons plan, all costs will be claimed from the plan.

For those in the scheme now, charges will commence once the change of circumstance review has taken place and additional hours have been approved and put into the plan.

We hope that by mid-July we should know whether our customers are successful in their plan reviews and if our solution is going to work or not. If people do not get the hours as suggested above in their plans, MiLife-Victoria will not be able to provide the specialised transport as it does today. We will continue to send updates on this matter to everyone as more people transition.

If you would like to discuss this further or have any questions, please do not hesitate to contact the office and ask to speak to myself or one of our NDIS planners, Rhonda Pagonis or Heather Vandersluys.

Yours Sincerely



**Terri Carroll**  
**CEO**



- 
- <sup>i</sup> Jenkin, E., Spivakovsky, C., Joseph, S. and M. Smith 2018 *Improving Educational Outcomes for Children with Disability in Victoria*, Castan Centre for Human Rights.
- <sup>ii</sup> <http://cmd.org.au/policy/human-service-provision/>
- <sup>iii</sup> Centre for Market Design, Annual Report July 2016 – June 2017, page 11 accessed July 6 2018.
- <sup>iv</sup> Commonwealth Ombudsman 2018, *Administration of reviews under the National Disability Insurance Scheme Act 2013; Report on the National Disability Insurance Agency's handling of reviews*, Report no. 03.
- <sup>v</sup> Productivity Commission (2017) *National Disability Insurance Scheme (NDIS) Costs*, Study Report, Canberra, p. 102.
- <sup>vi</sup> Department of Premier and Cabinet (August 2017) Victorian Government submission to the Joint Standing Committee on the NDIS
- <sup>vii</sup> Children with Disability Australia (September 2015) Submission: Issues Paper 9 – Addressing the risks of child sexual abuse in primary and secondary schools; <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%209%20-%20Submission%20-%2010%20Children%20with%20Disability%20Australia.pdf>
- <sup>viii</sup> Cook, H (25 January 2018) Scanners to 'reduce risk' of children being left on school buses, *The Age*
- <sup>ix</sup> Productivity Commission 2011, *Disability Care and Support*, Report no. 54, Canberra.