

ANNEX E: CONTINUITY OF SUPPORT

1. Governments have agreed that continuity of support arrangements will be required for people with disability who currently receive support but do not meet the access requirements outlined in the *National Disability Insurance Scheme (NDIS) Act 2013*, to ensure that they are not disadvantaged in the transition to the NDIS.

2. To this end, section 62 of this Agreement states that:

People resident in a launch site who are currently receiving support but do not meet the definitions of eligibility or are receiving supports that do not meet the definition of reasonable and necessary support in the National Disability Insurance Scheme Bill 2012, as enacted into legislation, will continue to receive support consistent with their currently agreed arrangements (support outcomes and levels) if:

a. the funding for this support is attributed to a program/service, or part of a program/service, has been (or will be) transferred — or phased out and funding redirected — to the NDIS in a launch site in accordance with the Schedules A – E.

3. This schedule provides further details on the approach to providing continuity of support during the launch period. These arrangements will guide the work of Governments in providing continuity of support and should be read in conjunction with Schedules A – E.

Role and purpose of continuity of support

4. The Scheme's nationally consistent access requirements and approach to 'reasonable and necessary' support across launch sites is a significant improvement on the current patchwork of programs with different definitions of eligibility. In the launch of DisabilityCare Australia, some people currently receiving support may not meet the nationally consistent access requirements. This agreement covers the launch of DisabilityCare Australia. Further agreements will be made for transition to the full scheme. The protocols in this agreement represent an initial understanding of continuity of support and will be subject to further review on the basis of the experience of launch.

5. Governments have agreed that it is critical that people with disability currently receiving assistance are supported in the transition to the NDIS. To this end, governments have agreed to provide continuity of support throughout the launch period. Where a person is currently receiving support and the program from which this support is received ceases, governments will ensure that the person's supports continue in line with the previous arrangements up to the end of the launch period. The person will be supported to live independently by working with them to reduce their need for supports or to access support from other systems, where appropriate.

6. If a person receiving continuity of support has had a change in their circumstances and they may meet the Scheme's access requirements, the person can make an access request to DisabilityCare Australia to become a participant at any time.

Features of continuity of support

7. Consistent with the purpose outlined above, the approach to continuity of support will ensure that people receive support up to the level that the person would have previously received and will enable the person to achieve similar outcomes to their previous supports. This ensures that the person is not disadvantaged in the Scheme transition.
8. This agreement covers the assistance through continuity of support that will be provided for the length of the launch, up to three years from 1 July 2013 in New South Wales, Victoria, South Australia and Tasmania and from 1 July 2014 in the Australian Capital Territory and Northern Territory. Arrangements for continuity of support beyond the launch period will be considered in the development of further Intergovernmental Agreements on the transition and full scheme.
9. Governments agree that people with significant ongoing needs will be provided with assistance to prevent hardship where this would significantly undermine the person's wellbeing, or social and economic participation.
10. People requiring continuity of support can be provided with assistance through a range of funding and program arrangements. People who do not meet the Scheme's access requirements will not become formal participants, as defined by the legislation.
11. The types of assistance provided through continuity of support should also be flexible in recognising that the assistance that best builds the person's capacity to live independently may be different from the supports the person was previously accessing. The flexibility could, for example, include up-front investments that assist people to live more independently. Any flexibility in supports would continue to be in line with the overall levels of support a person would have received over a time horizon.
12. The assistance provided to people through continuity of support will aim to support people to live as independently as possible by working with them to reduce their need for supports or to access supports from other systems, where appropriate. Where a person's support needs are reduced through capacity building work, or are met by other service systems the assistance from the NDIS through continuity of support will be phased out.

Management and administration

13. Continuity of support arises where a program or set of activities are ceasing due to the introduction of DisabilityCare Australia, as outlined in Schedules A – E of this agreement. As such, the government previously providing funding for the ceasing program will have responsibility for decision making and funding of continuity of support.
 - a. The Commonwealth is responsible for providing continuity of support to people

currently accessing Commonwealth funded programs/services which will cease as DisabilityCare Australia is introduced, in line with Schedules A – E. The Commonwealth will also be responsible for continuity of support for people aged 65 and over and Indigenous people aged 50 and over (except in a jurisdiction which is not covered by Schedule F of the National Health Reform Agreement or a similar agreement¹).

- b. Host jurisdictions are responsible for providing continuity of support to people currently accessing host jurisdiction funded programs/services which will cease as DisabilityCare Australia is introduced, unless otherwise agreed in Schedules A – E.
- c. Governments will jointly fund, in line with current arrangements, the continuity of support assistance for people requiring continuity of support where both the Commonwealth and a host jurisdiction have responsibilities, unless otherwise agreed in Schedules A – E.
- d. Where a jurisdiction retains funding responsibility for people 65 years and over, as that jurisdiction is not covered by Schedule F of the National Health Reform Agreement or a similar agreement², the Commonwealth and that jurisdiction will agree bilaterally on funding and policy responsibilities.

14. Consistent with the above funding responsibilities, each government will be responsible for determining how it wishes to provide continuity of support.

15. DisabilityCare Australia will provide continuity of support on behalf of governments, on a fee-for-service basis, where requested by a government. This arrangement would be negotiated between each government and the Agency and outline how the Agency will deliver supports and the associated funding arrangements, including the cost of administrative overheads. It is expected that there will be similar terms of agreement for similar services, with any variation in the terms of the agreement reflecting genuine differences in complexity or Agency cost in managing continuity of support on that government's behalf.

16. Where a government requests that DisabilityCare Australia provide continuity of support for a particular group of people, sufficient notice will be provided to DisabilityCare Australia to ensure the Agency has the capacity to manage continuity of support on the government's behalf.

17. Prior to programs and/or services being transferred to DisabilityCare Australia or

¹ This includes the Victorian Heads of Agreement for the full scheme, which provides for a change in the responsibilities of the Commonwealth and Victorian Governments for people aged over and under 65 from 1 July 2015.

² This includes the Victorian Heads of Agreement for the full scheme, which provides for a change in the responsibilities of the Commonwealth and Victorian Governments for people aged over and under 65 from 1 July 2015.

phased out, the government will advise the Agency of how continuity of support will be managed for current clients, and agree communications and referral pathways. In rare instances where a government has not advised the Agency of the continuity of support arrangement, or reached an agreement with the Agency to provide continuity of support on the government's behalf, the Agency will provide short term assistance until continuity of support arrangements are agreed between host jurisdictions and DisabilityCare Australia. This will be on a full cost recovery basis.

Reporting and review

18. The Commonwealth and each host jurisdiction will share information bilaterally and with the Agency on how their jurisdiction intends to provide continuity of support and the number of people requiring, and provided with, continuity of support. All host jurisdictions will be advised if the Agency is managing continuity of support on a government's behalf.
19. Where DisabilityCare Australia is providing continuity of support on behalf of government, the Agency will provide regular reporting of any costs incurred in providing supports to people who do not meet the access requirements (above the income received through fee-for-service arrangements), and any other risks to the Agency in providing continuity of support.
20. All parties agree to regularly review arrangements for continuity of support and to further refine these arrangements based on the experience of launch. There will be a formal review of these arrangements no later than 1 July 2014 and at any other points agreed bilaterally between the Agency, Commonwealth and host jurisdictions.

Related issues

21. People who meet the access requirements will, at a minimum, have the option of continuing to receive support at their current levels. This includes where the persons current levels of support may be higher than would usually be provided through the 'reasonable and necessary' assessment. Over time, the Agency will work with the person to build independence and move towards a level of support more consistent with 'reasonable and necessary'.
22. This reflects, for example, that as a result of providing greater flexibility in support options, some people may require a lower quantum of supports than the person previously received.
23. The needs of people who do not meet the 'launch site residency' requirements are not covered by this Annex. These people's support needs continue to be the responsibility of Commonwealth and/or host jurisdictions outside of the DisabilityCare Australia arrangements. This includes people who are not resident in launch on the day the launch commences.