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28 March 2017

Dear Ms Hoffman,

Re: Eligibility of Lifetime Care participants and the National Disability Insurance Scheme (NDIS)

We write to you in reference to a letter that was sent by yourself as General Manager, Operations Lifetime Care, to the Case Managers working at the Brain Injury Rehabilitation Programs/Services (BIRP's/BIRS's) around New South Wales. This letter has been brought to the attention Synapse in our capacity as the peak body supporting people with brain injury in New South Wales. We note in this letter that iCARE are stating that Lifetime Care scheme participants "will not be eligible for any additional funded support through the NDIS."

The NDIS Act 2013 outlines the access criteria for potential NDIS participants. Our interpretation of the NDIS legislation is that participants in the Lifetime Care scheme are not precluded from becoming participants of the NDIS if they meet the access criteria. We wrote to the NDIA National Access Team regarding this point in August 2016. We received written correspondence from the NDIA on 14 September 2016 confirming our interpretation as outlined above. So, we are now seeking to clarify with iCARE what the current position is in relation to Lifetime Care scheme participants for areas that we have identified that could have been funded by the NDIS some of which we have outlined below. We are also keen to understand whether there will be a legislative amendment to the NDIS Act 2013 which will prevent access to the NDIS for Lifetime Care participants.

We would like to draw to your attention the fact that the NDIS gives participants a significant amount of choice and control, as some of the funding in their individualised NDIS plan can be used flexibly. A NDIS plan is broken up into various funding areas, one of these areas is Core supports funding. Core supports funding is fully flexible and can be used by the NDIS participant on those supports that they need to assist them in meeting their goals.

Please see below some case study examples of how core NDIS funding has been used flexibly by NDIS participants with brain injury to meet their needs;

Transport costs: Under the NDIS, core supports funding in the participant's NDIS plan is fully flexible, so this gives the participant the choice to use some of this core funding to direct towards the transport mode of their choice. For example, one NDIS participant has negotiated with his accommodation service provider to direct some of his NDIS core support funding directly to his accommodation provider to contribute to the overall running costs of a motor vehicle (that is owned by the provider), thereby ensuring that this transport is readily available to him, which facilitates his community access.

- To date Lifetime Care has only funded transport for participants to attend appointments relating to their injury. Will iCARE replicate the above described NDIS funding flexibility under the Lifetime Care Scheme?
- Community and social activity costs: a NDIS participant wishes to go out to a nightclub on a Saturday night. However, he is not confident in social situations. Under his individualised NDIS Plan, he has a goal of capacity building to maintain social interactions. This participant could opt to utilise some of either his Core NDIS funding, or capacity building funding (should he also have this in his plan), to engage a Support Worker to attend the nightclub with him on the weekend.
 - Will iCARE replicate the above described NDIS funding flexibility under the Lifetime Care scheme to give this same opportunity to its participants?
- The NDIS also offers further funding flexibility to its participants through the option to self-manage either some, or, all funded supports on their individualised NDIS plan. If a NDIS participant chooses to self-manage, they can then choose to use service providers that are not registered with the NDIS. This may also include NDIS service providers that charge outside of the price structures outlined in the NDIS price guide. This flexibility further empowers the NDIS participant to be able to access supports that genuinely meet their individual needs and unique personal circumstances.
 - Will iCARE replicate this model for those Lifetime Care participants who opt to self-manage, thereby ensuring the same opportunity exists for its participants?



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The examples above are just a small number of areas that require clarification by iCARE to ensure that people living with disability who are participants of the Lifetime Care scheme are not disadvantaged by being excluded from also accessing the NDIS. We would welcome the opportunity to meet to discuss this matter. Please contact myself if you would like to arrange a meeting to discuss. I can be contacted via phone on; _____, or email;

Yours sincerely,

Mich~~ael~~ Hampton

Community Voice Manager

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