

# Operational Plan Commitment between the National Disability Insurance Agency (NDIA), State Government of Victoria and Commonwealth Government for transition to the NDIS

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## Background

On 16 September 2015 the Prime Minister and the Premier of Victoria signed a Bilateral Agreement for Transition to the National Disability Insurance Scheme.

This Operational Plan sets out the implementation arrangements to give effect to the Bilateral Agreement and other key deliverables agreed between the National Disability Insurance Agency (NDIA), the State Government of Victoria and Commonwealth Government to support the roll out of the full NDIS. The parties to this Operational Plan are the NDIA, the Commonwealth Department of Social Services (DSS) and the Victorian Department of Health and Human Services (DHHS). This Operational Plan serves as the roadmap for transitioning to the NDIS as best achieved in Victoria.

## 1. Terms of the Victorian Operational Plan

### 1.1 Purpose

- 1.1.1 This Operational Plan identifies a program of work and the responsibilities of the parties during transition to the full NDIS and supports the high level Bilateral Agreements and supporting Schedules agreed between governments on transition.
- 1.1.2 The parties acknowledge the transition to full scheme is a shared responsibility of all parties that requires a considered approach.
- 1.1.3 From July 2016, the NDIS will be progressively rolled out in Victoria and by June 2019 the NDIA will have responsibility for eligible participants in Victoria.
- 1.1.4 This Operational Plan outlines the implementation actions for the transition to the full Scheme in Victoria. It identifies the key elements required in Victoria to transition to full Scheme, including the respective roles and responsibilities of governments and the NDIA in achieving the outcomes in this Operational Plan.
- 1.1.5 This Operational Plan is to be considered in conjunction with the Bilateral Agreement between the Commonwealth and Victoria (Transition to a National Disability Insurance Scheme) and accompanying schedules.
- 1.1.6 For the removal of doubt, nothing within the Operational Plan shall override agreements between the Commonwealth and the State of Victoria as set out in the Bilateral Agreement and accompanying schedules.
- 1.1.7 The parties acknowledge actions agreed in the Operational Plan are to be implemented consistent with policies and frameworks agreed by the COAG Disability Reform Council and/or the Council of Australian Governments.
- 1.1.8 The parties acknowledge that actions highlighted in the Operational Plan will continue to be shaped by the development and finalisation of a range of policy settings that will have flow-on impacts to the key elements critical for transition to the NDIS. For example:
  - Development and implementation of a nationally consistent quality and safeguarding framework for the NDIS.
  - Market design work between the NDIA, the Commonwealth and the states and territories to define governance arrangements and roles

and responsibilities for the development of the market, including a market intervention framework and participant and provider readiness.

- Outcomes arising from the Review of the NDIS Act.
- Mainstream Interface Applied Principles and Tables of Support.

## 1.1 Working together

1.1.1 This Operational Plan has been developed in partnership between the NDIA, the Commonwealth Government and the State Government of Victoria. The parties are committed to closely collaborating on this Operational Plan to ensure implementation of the Plan is founded on strong planning processes and a commitment to work closely in achieving the best possible outcomes for people with disability, their families and carers.

1.1.2 The parties will act in partnership on the co-design and delivery of the actions detailed in this Operational Plan, including through working groups established between the NDIA and jurisdictional representatives and agreed roles and responsibilities (identified in the Operational Plan).

## 1.2 Key Elements

The following key elements have been agreed by the parties as critical for managing the transition to the NDIS. The key elements draw on lessons learnt from trial sites and build upon Victorian Government experience and knowledge in funding and managing the state's disability service system.

**Part 1** – Includes elements dependent on the Bilateral Agreement between governments on transition or further national policy development.

**Part 2** – Includes elements for transition that Governments and the NDIA can work on together under current policy settings and existing inter-governmental agreements.

### Part 1 – Bilateral and National Policy Elements

1. Phasing arrangements
2. Workforce arrangements
3. NDIA locations and infrastructure
4. Quality and safeguards
5. Continuity of support arrangements for ineligible clients
6. Sector and system readiness
7. Management of Interfaces between the NDIS and mainstream services
8. Information, Linkages & Capacity Building (ILC)
9. Specialist disability accommodation for participants
10. Implementation of funding arrangements

### Part 2 – Administration & Service Delivery Elements

11. Pre-intake preparations

12. Data exchange & systems planning
13. Reviews and evaluation: inter-operability
14. Participant readiness
15. Complex cohorts & service delivery
16. Provider readiness
17. Cash and in-kind supports
18. Functions to support system stewardship
19. Transition working arrangements for people in:
  - Regional, rural & remote locations
  - Aboriginal & Torres Strait Islander communities
  - Culturally & Linguistically Diverse communities
20. Public communications & engagement

## Part 1 – Bilateral and National Policy Elements

### 1.0 Phasing Arrangements

The Victorian Bilateral Agreement and Schedules for transition to full scheme detail high level phasing arrangements for Victoria. Phasing and related funding arrangements are set out in Schedule A (Participant Transition Arrangements in Victoria) and Schedule B (Financial Contributions for Transition in Victoria).

#### **Deliverable:**

A Victorian Transition Phasing Rule will give practical effect to Schedule A and B of the Bilateral Agreement to enable timely and efficient phasing of eligible participants to the NDIS. This will assist the Victorian Government and NDIA to develop and implement a detailed sub-area phasing approach, consulting with Commonwealth program areas when necessary.

#### **Agreed Actions:**

The sub-area phasing strategy/s will provide detail of the methodology to operationalise Schedule A: Participant Transition Arrangements in Victoria

Indicative sub-area phasing modelling will be provided to the NDIA in Quarter 2 2016/17.

The sub-area phasing strategy for North East Melbourne Area will be confirmed by Quarter 2 2015/16. Central Highlands and Loddon Areas strategies will be developed by Quarter 3 2015/16. These will provide detail of the methodology to operationalise Schedule A: Participant Transition Arrangements in Victoria and will:

- 1.1 Identify and agree intake prioritisation criteria, sequencing and mechanisms for intake, including the development of working arrangements to effectively manage the re-prioritisation of participant streaming in urgent circumstances.
- 1.2 To facilitate the smooth transition of participants into the NDIS, the NDIA will commence local area coordination functions 6-months in advance of the scheduled phasing of an area.
- 1.3 Develop key intake messages for public communications and engagement and identify and agree responsibility for phasing actions. This includes developing working arrangements for managing state border phasing, including public communication and engagement.
- 1.4 Ensure Commonwealth programs are aligned (where possible) to transition at the same time as similar Victorian programs.
- 1.5 The Commonwealth and Victorian Governments will develop the Victorian Transition Phasing Rule

**Timeframe:** The sub-area Phasing Strategy for North East Melbourne Area will be developed by NDIA and the Victorian Government in advance of NEMA phasing from

Quarter 1 2016/17. Further work will occur prior to the phasing of other Victorian areas. The Strategy will be reviewed quarterly implemented in sequence throughout transition

## **2.0 Workforce Arrangements**

Consistent with Schedule H: Workforce, the first offer of employment for the NDIA should be to appropriately skilled existing Victorian Government disability staff. For the purposes of Schedule H, “disability staff” means all Victorian Government staff materially affected by the national roll-out of the NDIS, regardless of whether the roles are directly involved in the delivery of services to clients. Under Schedule H, the Victorian Government and the Commonwealth have agreed to a confined merit based selection process to fill roles within the NDIA targeting Victorian Government disability staff. The NDIA, Victorian Government and the Commonwealth will develop and agree to a process to give effect to workforce transition arrangements set out in Schedule H: Workforce. This work is separate to broader work on market, sector and workforce development.

### **Deliverable:**

The NDIA and Victorian Government will implement an agreed Workforce Transition Plan to operationalise Schedule H: Workforce that will accurately identify and quantify materially affected Victorian Government staff.

### **Agreed Actions:**

- 2.1 The NDIA will develop an NDIA Workforce Plan to cover the transition period in Victoria by Quarter 2 2015/16. The Plan will detail the NDIA’s staff requirements including roles, cohorts, skills and capabilities, classifications and locations.
- 2.2 The workforce transition plan will consider the need to manage Victorian Government business as usual during transition years.
- 2.3 The NDIA and Victorian Government will agree to the definition of materially affected staff in accordance with Schedule H.
- 2.4 The NDIA will explore the use of a Recruitment Register which will be used as the vehicle to support the first offer process for Victorian Government materially affected staff for the initial and subsequent recruitment campaigns (in consultation with Victorian Government).
- 2.5 The Victorian Government will implement a communication strategy to relevant staff regarding the transition process.
- 2.6 The parties will advise each other of issues arising or unintended consequences in relation to the implementation of the workforce plan such as the location of the current workforce.

**Timeframe:** Workforce transition of Victorian Government staff will be aligned with the agreed bilateral phasing schedule. The NDIA Workforce Plan will be developed and executed throughout transition. The Victorian workforce transition plan will be developed prior to transition following workforce consultation and implemented on a staged geographical basis to align with the phasing schedule.

### **3.0 NDIA Locations & Infrastructure**

During transition the NDIA will have a network of offices in Victoria that have branding and a staff complement.

**Deliverable:**

The NDIA will develop and execute a property strategy that aligns with agreed phasing arrangements and which takes into consideration strategic property procurement and existing Commonwealth/State infrastructure.

**Agreed Actions:**

- 3.1 The NDIA will establish a physical presence in Victoria and develop a Property Strategy and Implementation Plan.
- 3.2 The NDIA will advise the Victorian State Government on strategic property planning and implementation to support the intake of participants during the transition period, including exploring co-location opportunities, use of existing office accommodation and use of existing government infrastructure and resources as appropriate.
- 3.3 The NDIA will identify issues associated with intake during transition and consult with governments to ensure the NDIA has the necessary physical assets to manage the intake of clients during the transition period.

**Timeframe:** As outlined in the NDIA Property Strategy and Implementation Plan the NDIA will establish a physical presence in Victorian locations prior to commencement of transition and will be progressively rolled out throughout transition across Victoria.

### **4.0 Quality and Safeguards Arrangements**

An interim approach to quality and safeguards is agreed in Schedule F: Transition arrangements for Quality and Safeguards in Victoria to the Bilateral Agreement during transition. The respective roles and responsibilities of the NDIA, Victorian and Commonwealth Governments for implementing quality and safeguards during transition are set out in the Bilateral Agreement. Detailed working arrangements will be developed subsequently and set out in the Quality and Safeguards Working Arrangements for Transition (the Working Arrangements) an appendix to Schedule F of the Bilateral Agreement. The Working Arrangements will be developed by Quarter 3 2015/16 in consultation with the NDIA

**Deliverable:**

The Commonwealth, Victorian Government and NDIA will develop an agreed approach and implement an interim arrangement for quality and safeguards in Victoria during transition (until a National Framework is agreed and implemented).

**Agreed Actions:**

- 4.1 The NDIA and the Victorian Government will review lessons learnt in trial and work together to develop and implement agreed quality and safeguards working arrangements during transition, detailing the roles and responsibilities of each party. The Interim Working Arrangements will be an appendix to Schedule F of the Bilateral Agreement.
- 4.2 The NDIA, the Commonwealth and the Victorian Government will work together to consider impacts of the interim arrangements on the development of the National Framework for Quality and Safeguards and will develop a transition strategy once the National Framework is agreed.
- 4.3 The Parties will participate in the development of the National Framework for Quality and Safeguards. This includes communicating and engaging with Victorian participants and providers to ensure they are aware of consultation options.
- 4.4 The NDIA, the Commonwealth and the Victorian Government will work together to operationalise the National Framework for Quality and Safeguards once developed and agreed.
- 4.5 The NDIA and the Victorian Government will develop a streamlined registration process for providers as part of the Working Arrangements.

**Timeframe:** Quality and Safeguards at full scheme is highly dependent on the development of a National Framework for Quality and Safeguards. Interim Working Arrangements will be developed and agreed as per the Bilateral Agreement. Schedule F will be updated in the Quarter 4 2015/16 to reflect any decisions on the direction of a national system. Interim quality and safeguard arrangements will continue until elements of a National Framework have been agreed and implemented.

## **5.0 Continuity of Support Arrangements for Ineligible Clients**

The NDIA the Commonwealth and the Victorian Government will agree to a process to give effect to the arrangements set out in Schedule D: Continuity of Support Arrangements in Victoria.

### **Deliverable:**

The Parties will develop and implement Continuity of Support working arrangements and a management plan to provide continuity of supports for existing clients of Victorian and Commonwealth services who are ineligible for the NDIS.

### **Agreed Actions:**

- 5.1 The Victorian Government and the Commonwealth will identify cohorts or individuals in Victoria for whom they have administrative responsibility that do not meet the access requirements for NDIS and identify the number of people and programs where this may apply.
- 5.2 Victoria and the Commonwealth in consultation with NDIA will develop a management plan for ineligible existing clients under 65 years (or under 50 years for Aboriginal or Torres Strait Islander clients)

- 5.3 The Commonwealth, in consultation with the Victorian Government will determine the administrative arrangements for people 65 years and over (or over 50 years for Aboriginal or Torres Strait Islander clients)
- 5.4 The Victorian Government, the Commonwealth and the NDIA will develop a joint communication strategy to identify participants who do not meet access requirements.
- 5.5 The NDIA will provide continuity of support on behalf of the Victorian Government, on a fee-for-service basis, if requested. Any arrangement would be negotiated between Victoria and the NDIA and outline how the NDIA will deliver supports and the associated funding arrangements.

**Timeframe:** Continuity of Support strategy and management plan agreed in Quarter 3 2015/16. Implementation (including communications and engagement) will be sequenced through-out transition period.

## **6.0 Sector and System Readiness**

Consistent with Schedule E: Sector and System Readiness, the parties will have a role in preparing providers, the workforce, individuals, the NDIA and existing systems to operate in the NDIS system. The parties will identify existing levers in their respective jurisdictions to influence market responsiveness to meet the demand for disability supports during transition, consistent with the NDIS Integrated Market, Sector and Workforce Strategy. Market readiness activities will support the implementation of nationally agreed market, sector and workforce strategies and build on existing work by governments and the NDIA.

### **Deliverable:**

Consistent with Schedule E, the Victorian Government and the Commonwealth will continually review market, sector, participant, workforce and system readiness to transition to the NDIS. If this monitoring indicates significant concerns that put agreed transition arrangements at risk, then a strategy for addressing issues will be developed.

### **Agreed Actions:**

- 6.1 The NDIA, Commonwealth and Victorian Government will continue to work together in regard to progressing effort and contingencies related to Victorian sector and system readiness.
- 6.2 The parties will share information about local markets and existing disability support supply in Victoria.
- 6.3 A market readiness risk management framework will be developed and implemented (as required) by the NDIA through-out the transition period.
- 6.4 The Victorian Government will support the NDIA to manage the transition from the current assistive technology (AT) programs to the NDIS. During the transition, the Victorian Government will provide continued access to AT products and services sourced by Victorian equipment programs, where this is agreed by both parties and it provides value for the NDIS.

- 6.5 The NDIA will lead on identifying and developing approaches to ensure that a provider of last resort is available, as well as support for participants in crisis.

Timeframe The Victorian Government, Commonwealth Government and the NDIA will make best endeavours to plan and implement a range of activities to prepare and inform market and sector development. This work will intersect and build on other sector and system readiness activities outlined in Part 2, commencing with the Deep Dive market analysis in the early phasing areas.

## **7.0 Management of Interfaces between the NDIS and Mainstream Services**

The NDIA, Victorian and Commonwealth Governments will support participants' access to mainstream services and note that an updated Mainstream Interface Principles and Tables of Support has been provided to COAG for endorsement. Governments will work with the NDIA to ensure the interface between the NDIS and mainstream services is managed effectively and efficiently at the local level and in line with COAG policy decisions and to give effect to Schedule I (Mainstream Interfaces) in the Bilateral Agreement.

### **Deliverable:**

The review of the interaction between NDIS and mainstream services identified a comprehensive list of operational issues that require ongoing monitoring between mainstream service systems and the NDIA.

Efficient and effective development and implementation of detailed working arrangements, including a schedule of issues to ensure the interface between mainstream supports and NDIS supports at a state level are established, maintained and communicated (in line with the agreed Mainstream Interface Principles and Tables of Support agreed by COAG) to maximise economic and social participation.

### **Agreed Actions:**

- 7.1 The NDIA and the Victorian and Commonwealth Governments will determine governance arrangements and escalation processes to resolve mainstream interface policy and practice issues to support transition to full scheme.
- 7.2 Governments will support the implementation of the working arrangements and resolve mainstream interface issues which includes establishing local governance arrangements through local escalation points ensuring streamlined referrals can occur to coordinate participants NDIS planned supports with mainstream services.
- 7.3 The Parties will implement arrangements for the interface between the NDIS and mainstream agencies, as set out in the Mainstream Applied Principles and Tables of Support by: formalising a review process to assess operational practice, providing clear communication to people and broader mainstream entities.
- 7.4 Establishing and maintaining supports consistent with the Mainstream Applied Principles and Tables of Support and Outcomes Framework.

**Timeframe:** Revised Mainstream Interface Principles and Tables of Support have been completed and are subject to agreement by COAG. Escalation processes will be reviewed throughout transition. Working arrangements will be developed and implemented in sequence to align with the Victorian Phasing Schedule.

## **8.0 Information, Linkages and Capacity Building (ILC)**

During transition to full scheme, the parties agree to work together to ensure ILC supports are available to support the transition, including having Local Area Coordination (LAC) supports (for NDIS participants and non-NDIS participants) available 6 months in advance of NDIS roll-out into a particular area, consistent with the agreed framework on Information, Linkages and Capacity Building.

### **Deliverable:**

A robust system of ILC supports that assists transition and complements support to participants as well as providing support to non-participants and the community.

### **Agreed Actions:**

- 8.1 The Victorian Government and the Commonwealth will map current ILC type supports. Detailed mapping of current Commonwealth and State funded ILC-type services in Victoria is to include: identification of providers, program expenditure, support types and activities and any other relevant information (where available). The parties note that some data may be difficult to obtain given the nature of ILC-type activity delivered
- 8.2 The Parties will develop criteria and an overall transition plan for ILC-type services delivered in Victoria taking into account both national priorities and local need, building on existing best practice and well-established networks and resources that are in place.
- 8.3 Victoria and the Commonwealth independently and, in consultation with the NDIA, will develop transition plans for their ILC-type providers, including agreeing with the NDIA any contracts that will continue or cease and when these arrangements will take effect. The NDIA will provide the Commonwealth and Victoria with a draft commissioning framework for future ILC investment, prior to its public release. In partnership with Victoria, the NDIA will develop and implement a communications and engagement strategy to support its ILC commissioning framework.

**Timeframe:** ILC mapping work to be completed and the overall transition plan for ILC-type services, including any provider plans, is to be completed by Quarter 3 2015/16. Communication Strategy is to be drafted and It is intended that these actions will be implemented prior to transition and sequenced according to the Phasing Schedule.

## 9.0 Specialist Disability Accommodation for participants

Consistent with Schedule J of the bilateral agreement the Pricing and Payment Framework for Specialist Disability Accommodation agreed by, the NDIS will support specialist disability accommodation for participants with high support needs who require and prefer specialist accommodation to live independently. The NDIA will implement the Framework (noting the NDIA will not own or manage any participant accommodation assets).

### **Deliverable:**

Governments will inform the NDIA of the current operating model in the jurisdiction including asset ownership and funding obligations of governments, and any transfer of assets from government to non-government organisations.

### **Agreed Actions:**

- 9.1 Parties will jointly identify issues arising from the agreed approach between governments to specialist disability accommodation related issues that must be managed during transition.
- 9.2 The NDIA and Victoria will continue to discuss options for the redevelopment of Victorian congregate care facilities.
- 9.3 The NDIA, Commonwealth and Victorian Government agreed to proceed with housing pilots in the Barwon Trial Site with future pilots considered at a later date.
- 9.4 Plans or strategies agreed between the Victorian Government and the NDIA should have due regard to any policy agreements on the use of user cost of capital during the transition period.
- 9.5 The NDIA and the Victorian Government will develop a working arrangement (where necessary) to manage the impact of accommodation changes (if any) during transition for participants and providers.
- 9.6 The Victorian Government will inform the NDIA about the currency of the current operating model in Victoria including asset ownership (of government and non-government facilities) and funding obligations.

**Timeframe:** The Victorian Government will inform the NDIA about asset ownership and administrative and working arrangements to manage the impact of any disability accommodation changes during transition and implement these working arrangements throughout transition.

## 10. Implementation of funding arrangements

The Parties will jointly consider practical approaches to implement the funding arrangements set out in Schedule B: Financial Contributions for Transition in Victoria and the agreed NDIS funding mechanism in transition, including continuity of client supports and the management of in-kind supports during transition.

### **Deliverable:**

A clear and consistent strategy with distinct responsibilities to implement funding arrangements. An invoicing methodology, consistent with Schedule B of the Bilateral Agreement, will be agreed by the Parties by Quarter 2 2015/16.

**Agreed Actions:**

- 10.1 Governments and the NDIA will agree on processes to ensure that responsibility for client supports shifts to the NDIA at a specified time. A minimum of 30 days' notice from a participant's approved plan start date will be provided to governments, to ensure a smooth transition for all parties and uninterrupted support for clients.
- 10.2 The Commonwealth and Victorian Government will confirm with the NDIA the current mix of cash and in-kind supports for the first areas to transition, including a detailed breakdown of in-kind supports as per agreed data standard. Details for all other phasing areas of Victoria will be confirmed
- 10.3 Victoria and the NDIA will develop and agree the most effective and efficient funding mechanisms during transition which may include, but is not limited to, progressive cash out, bulk purchasing, and contract novation.
- 10.4 Governments and the NDIA will agree on an efficient process for managing or exiting from in-kind funding arrangements and effectively communicate information about transition to providers and participants.
- 10.5 The NDIA and Victorian Government will develop an agreed resolution framework to resolve funding and policy issues via agreed governance arrangements and protocols.

**Timeframe:** The working arrangements will be agreed in Quarter 2 2015/16 and implementation will be throughout transition and may include an interim funding arrangement.

## **Part 2 – Administration and Service Delivery Elements**

### **11. Pre-intake preparations**

The Victorian Government, the Commonwealth and the NDIA will agree on preparations (not covered elsewhere in this plan) to be completed prior to the commencement of transition in order to streamline the intake of participants into the NDIS commencing from Quarter 1 2016/17, or in the lead up to transition.

**Deliverable:**

The Parties agree the required transition preparations (not covered elsewhere in the Operational Plan or Bilateral Agreement) and their practical implementation prior to Quarter 1 2016/17 to ensure streamlined intake and access for existing Victorian disability clients.

**Agreed Actions:**

- 11.1 Align current policy and practice regarding eligibility decisions between the NDIS and the Victorian Disability Act 2006 and other associated legislation to reasonable and necessary (if required)
- 11.2 Identify and confirm State and Commonwealth programs currently in scope for transition to the NDIS in Victoria as outlined in Schedule B: Financial Contributions for Transition in Victoria of Bilateral Agreement. (Note Schedule B is not exhaustive)
- 11.3 The Commonwealth Government will define people in existing Commonwealth programs for a streamlined intake process that are determined to be in a defined program.
- 11.4 The NDIA in collaboration with the Victorian Government will develop a streamlined access process for clients accessing defined programs. The parties will agree how participants in non-defined programs can access the scheme in a streamlined way and will develop a streamlined access process.
- 11.5 Victoria will develop a communication and engagement plan and identify cohorts who may not meet NDIS access requirements (e.g. people over 65 years of age and non-residents). Victoria will develop working arrangements to refer identified people (who do not meet access requirements) to ILC services and other community mainstream supports. Note for Victorians over 65 years of age continuity of support will be provided consistent with Schedule D which outlines Victorian and Commonwealth Governments respective roles and responsibilities
- 11.6 The Commonwealth and the Victorian Government will inform the Agency of any contracts that cannot be ceased in line with the phasing schedule, and agree with the NDIA a plan for managing these contracts through transition..
- 11.7 The Victorian Government will identify and collate information regarding any existing state-wide or area specific bulk purchasing contracts.
- 11.8 The NDIA in collaboration with the Victorian Government will develop an agreed transition process for people across all areas who are in urgent need on the Victorian Disability Support Register (DSR) and Early Childhood Intervention Services (ECIS) waitlist and the Mental Health Community Support Needs Register.
- 11.9 Governments will put in place arrangements that allow for variation and cessation of funding agreements with disability service providers in line with Schedule A to the Bilateral Agreement. Governments will inform the NDIA of contracts that cannot be ceased in line with the detailed phasing schedule, and agree with the NDIA a plan for managing these contracts through transition.
- 11.10 The NDIA, in collaboration with the Victorian Government, will develop an agreed governance structure for each of the NDIA regions ensuring existing Victorian governance structures and boundaries are adequately represented to effectively facilitate and support transition.

**Timeframe:** Pre-intake roles and responsibilities will be captured in the transition work plan and will be confirmed by in Quarter 2 2015/16. Defined programs will be confirmed in Quarter 2 2015/16. The NDIA is to be advised of existing contracts in place in Quarter 2 2015/16.

## **12. Data exchange & systems planning**

Consistent with Schedule G in the Bilateral Agreement, the purpose of this element is to maximise the utility/value of client and provider data held by jurisdictions and use this data to manage and streamline the transition of existing Victorian and Commonwealth clients to the NDIS.

**Deliverable:**

Effective and timely transfer of client and service provider data between Victoria, Commonwealth and the NDIA to ensure streamlined intake arrangements are implemented.

**Agreed Actions:**

- 12.1 The NDIA will negotiate with Victoria the agreed data standard items required to effectively transition people from existing Victorian and Commonwealth systems into the NDIS.
- 12.2 The Parties will agree legal authorisation for data exchange and privacy provisions.
- 12.3 The Parties will identify the availability of participant data requested by the NDIA, including what data is held by Victoria and what data is held by external providers (e.g. block funded supports), by Quarter 2 2015/16.
- 12.4 The Victorian and Commonwealth governments will develop an approach for the collection, cleansing and transfer of client and service provider data to the NDIA, including roles and responsibilities, key activity and milestones.
- 12.5 The Parties will develop information sharing protocols consistent with the Bilateral Agreement.
- 12.6 The NDIA will work with jurisdictions to update data transitioned between jurisdictions to the NDIA to allow for changes in circumstances three months prior to phasing.
- 12.7 The NDIA will provide the Victorian Government with a monthly data report during transition to manage ongoing state data requirements as people transition to the NDIS consistent with Schedule G.
- 12.8 Victoria and the NDIA will develop specific jurisdictional financial and activity reporting requirements consistent with Schedule G.

**Timeframe:** Legal authorisation for data exchange will be confirmed and a plan to collect and transfer data will be developed and agreed in Quarter 2 2015/16. Implementation will commence once a way forward is agreed by all Parties. Information sharing protocols are to be agreed by and jurisdictional reporting arrangements are to be agreed Quarter 3 2015/16.

### **13. Reviews and evaluations (inter-operability)**

The Victorian Government will review state legislation and other instruments to assess how they may affect the transition to the NDIS. Key areas include, but are not limited to: the role of the Ombudsman, Commissioners, guardianship and nominees, business registration, OHS regulations, building codes (shared accommodation), boarding house regulations, justice legislation, quality and safeguards, restrictive practices and mental health legislation.

In addition, Victoria and the NDIA will monitor the outcomes of relevant evaluations, reviews and the experience of trial site operations for the purpose of ensuring transition to NDIS is as seamless as possible for people.

**Deliverable:**

Where legislation or regulation is identified as inconsistent with the NDIS Act, and changes to legislation or regulation prior to full scheme commencement are impractical, governments will develop and implement remediation strategies in conjunction with the NDIA to manage these inconsistencies during the transition period.

**Agreed Actions:**

- 13.1 The Victorian Government will undertake a stocktake of inter-operability of legislation and other instruments to support full scheme transition (e.g. self-assessment, analysis of gaps/conflicts and develop remediation plan if required).
- 13.2 The Victorian Government and the NDIA will identify any gaps or conflicts in legislation (and other instruments) and develop remediation plan(s) as required.
- 13.3 The Commonwealth, the NDIA and Victoria will provide input into the review of the NDIS Act including consultations. A final review of the NDIS Act report is due to DRC and COAG.

**Timeframe:** All review and evaluation activities relating to state legislation and other instruments will be undertaken Quarter 3 2015/16. Where impediments are identified, remediation strategies will be developed and implemented to support transition to full scheme. Active monitoring and remediation strategies will be developed and implemented as required throughout the transition period.

## **14. Participant readiness**

Consistent with Schedule E: Sector and System Readiness, the Victorian Government, the Commonwealth and the NDIA will identify and implement strategies to support and prepare people with disability, their families and carers to transition to the NDIS and maximise their capacity to exercise choice and control. This includes establishing a LAC presence and enhancing ILC supports in advance of the NDIS commencing in an area.

**Deliverable:**

A joint approach between the Parties to support and prepare people with a disability to feel empowered to exercise choice and control as they transition to the NDIS.

**Agreed Actions:**

- 14.1 The NDIA will review lessons learnt from trial to build the capacity of participants throughout transition. This may include a stocktake of lessons learnt in trial, sector development initiatives and pre-planning and implementation workshops.
- 14.2 The Victorian Government will review lessons learnt to build the capacity of participants for transition.. This may include a stocktake of lessons learnt from LEAD

Barwon Project, Confident Connected Carers and engagement of Office of the Public Advocate regarding supported decision-making.

- 14.3 The NDIA, the Commonwealth and Victoria will plan, implement and coordinate capacity building initiatives for people with disability, their families and carers. This includes supporting people to articulate their goals and aspirations, and understand reasonable and necessary and engage as active consumers.
- 14.4 The NDIA and Victoria will ensure preparation and transition activities align to pre-intake preparations and phasing.

**Timeframe:** A participant readiness approach, agreed actions and an Engagement and Communication Plan will be developed and implemented through transition according to phasing in Schedule A: Participant Transition Arrangements in Victoria.

## 15. Complex Cohorts and Service Delivery

Some participants and cohorts of participants may require additional consideration and support to access the NDIA (by the NDIA, the Commonwealth and the Victorian Government) to ensure they are identified and their needs are addressed during the transition, especially as state and Commonwealth participants transition to NDIS funded supports.

### **Deliverable:**

The NDIA, the Commonwealth and the Victorian Government will define and agree cohorts with specific or complex needs to access supports and plan appropriate transition arrangements.

### **Agreed Actions:**

- 15.1 Governments will develop approaches for the transition of existing participants and cohorts with specific or complex needs. This may include, but is not limited to:
- People living in shared supported accommodation facilities.
  - Hard to reach and / or high risk individuals and cohorts who may require intensive support to transition to the NDIS.
  - People with immediate needs requiring rapid provision of NDIS or non-NDIS supports
  - New and emerging cohorts during transition.
  - People involved in out-of-home care or the justice system.
- 15.2 The NDIA and the Victorian Government will agree working arrangements to engage and transition cohorts with sensitive or complex requirements and develop a strategy for transition.

**Timeframe:** The working arrangements to transition people and/or cohorts with complex needs will be implemented between three and six months prior to phasing and will align with the NDIA Access Pathway for Transition.

## 16. Provider Readiness

Consistent with Schedule E: Sector and System Readiness, the Parties will improve the capacity of providers to transition to the Scheme (note this element links to 11. Pre-intake Preparations). Communication and capacity building strategies will help ensure existing and potential providers are ready to participate in the NDIS, minimise risks to support continuity, and assist provider's transition to the NDIS. The parties will identify existing levers in their respective jurisdictions to influence market responsiveness to meet the demand for disability supports during transition, consistent with the NDIS Integrated Market, Sector and Workforce Strategy.

**Deliverable:**

An agreed plan between the Commonwealth, Victoria and the NDIA to improve the capacity of providers to transition to full scheme, including the development of communication and capacity building strategies.

**Agreed Actions:**

- 16.1 The Victorian and Commonwealth Governments will undertake a stocktake of existing readiness activities to ensure providers are able to operate effectively with the NDIS.
- 16.2 The NDIA will develop and implement national approaches to provider readiness. Working Arrangements will be developed in consultation with Victoria and the Commonwealth to optimise preparedness for the Scheme.

**Timeframe:** A stocktake of lessons learnt will be completed in Quarter 2 2015/16. Communication and capacity building provider initiatives will be developed prior to transition and implemented throughout transition according to sequencing and in alignment with the Communication and Engagement Strategy.

## **17. Cash and In-kind Supports**

- 17.1 The Commonwealth and Victorian Government will identify and confirm cash and 'in-kind type' supports in the first Areas to transition, including a detailed breakdown of in-kind supports as per the agreed data standard.
- 17.2 Pricing for the provision of supports, will be consistent with the NDIS Price Guide, unless supports are provided in-kind as part of the Bilateral Agreement between Victoria and the Commonwealth.

## **18. Functions to Support System Stewardship**

The Victorian Government and the NDIA will work to identify key administrative functions currently delivered or oversights by the Victoria Government which need to intersect with the NDIA so that these functions continue seamlessly during the transition to full Scheme.

**Deliverable:**

The development of a continuity plan for the management of the Victorian Government's remaining administrative functions is considered and implemented prior to transition.

**Agreed Actions:**

- 18.1 The Victorian Government (in collaboration with the NDIA) will identify emerging issues during the transition, including ancillary administration issues around functions such as emergency management, maintenance of vulnerable people registers, business continuity, vacancy management, registering demand, quality and safeguards and capacity building.
- 18.2 The Victorian Government and the NDIA will determine which key administrative functions currently facilitated and managed by Victoria should continue during transition, taking into account business as usual requirements of Victoria as the Scheme rolls out.
- 18.3 The Victorian Government and the NDIA (and Commonwealth as required) to discuss and explore roles and responsibilities and arrangements of administrative key functions during transition.
- 18.4 The Victorian Government will provide information to the NDIA about emergency management processes to ensure these supports continue to be available for participants in times of emergency during transition. Working arrangements will be developed to ensure the disability support system and the NDIA are prepared to effectively support the management of an emergency situation.

**Timeframe:** The Victorian Government and the NDIA will work together to identify, plan and clarify roles and responsibilities for the management of identified key functions during transition. Agreement of the Commonwealth will be sought in regard to any functions proposed to be transferred to the NDIA.

## **19.1 Regional, Rural & Remote locations**

The delivery of the NDIS in both regional and rural locations in Victoria poses particular challenges in terms of mode of delivery of services and workforce supply throughout the state. Victorian working arrangements will be developed and be informed by the NDIA's Rural and Remote Strategy particular challenges in terms of mode of service delivery, workforce supply, Identify provider and participant readiness and communication and engagement for people living in rural and regional areas. Develop and implement transition working arrangements to facilitate streamlined transition for people with disability living in rural and regional Victoria.

**Agreed Actions:**

- 19.1.1 The Victorian Government will support knowledge transfer to the NDIA by identifying existing strategies and information on local issues
- 19.1.2 The NDIA will develop and implement a regional and rural Victorian working arrangements in collaboration with the Victorian Government, including seeking feedback from key stakeholders.

## **19.2 Aboriginal and Torres Strait Islander communities**

Consistent with the NDIA's Indigenous Engagement Plan, the delivery of the NDIS in Aboriginal and Torres Strait Islander communities provides opportunities to enhance participant supports. Victorian working arrangements will be developed to implement the NDIA's Indigenous Engagement Plan, once considered by governments.

**Deliverable:**

Identify particular needs in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for Aboriginal and Torres Strait Islander people. Develop working arrangements to facilitate streamlined transition.

**Agreed Actions:**

- 19.2.1 The Victorian Government will review its existing Aboriginal and Torres Strait Islander strategies (e.g. enabling choice for Aboriginal people living with disability) and collate understanding of local issues.
- 19.2.2 Develop and implement Victorian Aboriginal and Torres Strait Islander working arrangements in consultation with the Victorian Aboriginal community, other stakeholders and the Victorian Government. Working Arrangements will reflect the Aboriginal and Torres Strait Islander Engagement plan including a detailed communications and engagement strategy.

### **19.3 Culturally and Linguistically Diverse (CALD) communities**

The delivery of the NDIS in CALD communities poses particular challenges in terms of mode of delivery and workforce supply.

**Deliverable:**

Identify particular challenges in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for people from CALD communities. Develop transition working arrangements to facilitate streamlined transition and implement.

**Agreed Actions:**

- 19.3.1 Victoria will review its CALD strategies (e.g. DHS Delivering for All - Access & Equity Framework) and collate understanding of local issues and learnings and support transfer of this knowledge to the NDIA
- 19.3.2 Develop a Victorian CALD transition working arrangements, taking into account the NDIA's Rural and Remote Strategy. Consolidate findings and seek feedback from key stakeholders. Transition working arrangements will include a detailed communications strategy.

**Timeframe:** Transition working arrangements will be developed and implemented for Aboriginal & Torres Strait Islander people, the Victorian CALD population and people residing in regional and rural areas in 2016, (cascading from national policy work agreed at

COAG) and will inform transition working arrangements in accordance with sequencing and phasing arrangements.

## **20 Public Communication and Engagement**

The Victorian Government and the NDIA will work together to develop tailored communication and engagement plans for a range of stakeholders including the general public, providers, existing state clients / potential participants with an agreed and aligned message structure. These plans will reflect agreed national communications strategies for transition to full scheme.

### **Deliverable:**

A tailored communication and engagement strategy that reflects agreed national communications strategies for transition to full scheme.

### **Agreed Actions:**

- 20.1 The NDIA, working with the Victorian Government, will develop a transition to NDIS communications and engagement strategy and will identify opportunities for joint messaging roles and responsibilities.
- 20.2 The NDIA and the Victorian Government will develop and implement a media management protocol, including crisis communications, risks, key messages and mitigation strategies.
- 20.3 The NDIA and the Victorian Government communication and engagement plans will be aligned to provide consistent messages to potential participants and the public. The execution of agreed actions in communications and media plan will occur throughout transition. The parties agree that the NDIS content on external sites will not replicate NDIS website content and will provide an appropriate web-link

**Timeframe:** The integrated transition to the NDIS communications and engagement strategy will be developed in Quarter 2 2015/16. Messaging will change according to the stages of transition.

## Glossary of Terms

|   |   |
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| <b>Aboriginal and Torres Strait Islander</b>    | Aboriginal and Torres Strait Islander peoples is the collective term for all people who identify and are recognised as descendants of the original inhabitants of Australia, and acknowledges the many Aboriginal and Torres Strait Islander groups in Australia.   |
| <b>Assistive Technology (AT)</b>                | Assistive technology is the term used to cover aids, equipment and technology that provide practical solutions to everyday activities for people with disability.   |
| <b>Bilateral Agreement</b>                      | An agreement between the Commonwealth Government and jurisdictional Governments regarding roles and responsibilities for the transition to full coverage of an NDIS in Australia. The Victorian NDIS Bilateral Agreement is between the Commonwealth and the State Government of Victoria.                    |
| <b>Block funding</b>                            | A method of funding to a provider that funds a level of service (i.e. number of places or number of beds). Funding can take account of the individual needs of people (e.g. case based funding) but is not controlled by the individual service recipient.  |
| <b>Carer</b>                                    | Someone who provides personal care, support and assistance to a person with disability and who is not contracted as a paid or voluntary worker.   |
| <b>Cash contribution to NDIS</b>                | Cash funding provided by State and Commonwealth Governments to the NDIS. See In Kind Contribution (a non-cash contribution from jurisdictions to the NDIS).   |
| <b>Choice and Control</b>                       | Enabling participants to control the supports they receive and to choose how support is provided. This can also involve a range of options from choosing providers to managing their own support funding; choose types and timing of provision support, which provider and how payments will be administered. |
| <b>Co-design</b>                                | A design process which empowers, encourages and guides users to develop solutions for themselves.   |
| <b>Council of Australian Governments (COAG)</b> | The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia. The members of COAG are the Prime Minister, State and Territory Premiers and Chief Ministers and the President of the Australian Local Government Association.   |
| <b>Continuity of Support</b>                    | People with disability, their families and carers will be provided with continuity of support that will ensure that the support they receive once the NDIS is introduced will enable them to achieve similar outcomes to the outcomes they were aiming to achieve prior to the introduction of the NDIS.      |
| <b>Data Standard</b>                            | The information being sought by the NDIS about existing clients funded for supports by States and Territories to assist with streamlined intake, access and planning processes.   |
| <b>Defined Programs</b>                         | Approved Commonwealth, State and Territory programs whereby people receiving support from these programs can transition to the NDIS without a requirement to provide evidence of disability because the eligibility of these programs align with NDIS disability criteria.                                    |
| <b>Eligibility requirements</b>                 | Also known as 'access requirements,' is the criteria a person must meet to become a participant in the NDIS.  |
| <b>Evidence base</b>                            | The evidentiary base for decision making by NDIA personnel, including whether a person meets the access criteria and is eligible for funding for reasonable and   |

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|  | necessary supports, as well as the factual information compiled by the NDIA from its experience in trial sites, data collection and independent research.   |
| <b>Full Scheme</b>   | The dates by which the Scheme will be available to all eligible residents.  |
| <b>In-kind contribution</b>                                  | Contributions from jurisdictions and the Commonwealth to NDIS which are not in the form of cash but instead are in the form of providing support to individuals on behalf of the NDIS through existing government programs.   |
| <b>Local Area Coordinator (LAC)</b>                          | LACs will build relationships with people with disability and their families and carers; help build and support informal support systems; and connect people with mainstream services and local, community based supports. LACs will assist participants to implement and manage their plans and will monitor their progress, when necessary. LACs will also have an on-going role in community education and community capacity building, and will be an important source of information about the on-the-ground effect of the NDIS. |
| <b>Mainstream Interface Principles and Tables of Support</b> | The interactions of the NDIS with other service systems will reinforce the obligations of other service delivery systems to improve the lives of people with disability, in line with the National Disability Strategy. The principles outlined in this document will be used to determine the funding and delivery responsibilities of the NDIS and other systems in achieving this vision. The principles can be found at <a href="https://www.coag.gov.au/node/497">https://www.coag.gov.au/node/497</a> .                         |
| <b>National Disability Insurance (NDIA)</b>                  | The NDIA is an independent statutory body whose role is to implement the National Disability Insurance Scheme (NDIS), which will support a better life for hundreds of thousands of Australians with a significant and permanent disability and their families and carers.  |
| <b>National Disability Insurance Scheme (NDIS)</b>           | The NDIS is an insurance scheme created to provide assistance for persons or entities for the purpose of assisting people with disability to realise their potential for physical, social, emotional and intellectual development, and to fully participate in social and economic life.  |
| <b>National Disability Insurance Scheme Rules</b>            | National Disability Insurance Scheme Rules will give practical effect to the intent of the <i>NDIS Act 2013</i> . <a href="https://www.comlaw.gov.au/Details/F2013L01063">https://www.comlaw.gov.au/Details/F2013L01063</a>   |
| <b>Outcomes Framework</b>                                    | The NDIA's mechanism for measuring success for people with disability in areas like choice and control, social inclusion, education, employment, health and housing.  |
| <b>Participant</b>   | A person becomes a participant in the National Disability Insurance Scheme on the day the CEO determines the person meets the access criteria and has been assessed as satisfying the criteria for approval/acceptance.   |
| <b>Parties</b>   | Parties refers to the signatories to this Operational Plan. .   |
| <b>Planning process</b>                                      | The process by which the NDIA helps a participant to plan for the assistance they need from the NDIS to attain their goals.   |
| <b>Provider</b>  | An organisation or individual who provides support and/or care, aids and equipment. The provider may directly supply the support (NDIS Funded Provider) or assist with the management of an NDIS participant's plan (Plan Management Agent). Providers can offer a range of support services and operate in a single location or multiple locations.  |
| <b>National</b>  | A nationally consistent framework that ensures people with disability can make  |

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| <b>Quality and Safeguards Framework</b>        | decisions about their supports while also enabling them to live free from abuse, neglect and exploitation. The framework will also promote innovation, continuous improvement and best practice in the provision of supports.  |
| <b>Reasonable and necessary supports</b>       | Defined as the most appropriate, cost effective support to enable a participant's social and economic participation. The NDIA publishes operational guidelines to assist decisions on what is to be funded as a reasonable and necessary support by NDIS in a participant's plan. For supports to be reasonable and necessary they must meet all elements of the test set out in s34 of the NDIS Act 2013. |
| <b>Rural and Remote</b>                        | The Rural, Remote and Metropolitan Areas classification used is the Modified Monash Model has seven categories based primarily on population numbers and an index of remoteness. <a href="http://www.doctorconnect.gov.au/internet/otd/publishing.nsf/Content/MM_locator">http://www.doctorconnect.gov.au/internet/otd/publishing.nsf/Content/MM_locator</a>   |
| <b>Service Delivery Operating Model (SDOM)</b> | The SDOM is the overarching design of how the Agency will operate, at a service delivery level, to best deliver on the intent of the NDIS. The design of the SDOM seeks to ensure the Agency administers the NDIS in a fair, flexible and efficient way.   |
| <b>Supported Accommodation</b>                 | Accommodation support options range from a low level of formal support provided every few days (for example, in-home and drop-in support services), through to support provided 24 hours a day.  |
| <b>System Stewardship</b>                      | System stewardship refers to the responsible planning, management and administration of existing government functions through the transition to the NDIS.  |