

NDIS INTERNAL REVIEW GUIDE

During 2022 the NDIS language changed within the planning and review processes. The changes to language and terms are as follows:

What it is called now	What it used to be call it	What it means for you
Internal review of decision	<ul style="list-style-type: none"> • S100 review • Review of reviewable decision (RORD) 	<ul style="list-style-type: none"> • Participants can request an internal review of NDIA’s decision to approve either a participants statement of supports or a decision that an applicant does not meet the access criteria.
External review of decision by the AAT (Administrative Appeals Tribunal).	<ul style="list-style-type: none"> • No Change 	<ul style="list-style-type: none"> • Participants who are unsuccessful with the internal appeal process can apply to the AAT
Reassessment date of a participant’s plan	<ul style="list-style-type: none"> • Review date of a participant’s plan • End date of a participant’s plan 	<ul style="list-style-type: none"> • Every NDIS plan includes a ‘reassessment date’. • NDIA will need to look at the plan with you by this date and decide if any changes are needed. • If a plan reaches its reassessment date before the reassessment is completed, the current plan will be varied to extend it by 12 months so you can continue accessing supports.
Plan reassessment (Participant or Agency initiated)	<ul style="list-style-type: none"> • (Full) plan review • Scheduled or unscheduled review • Change of Circumstances (CoC) review • S48 review 	<ul style="list-style-type: none"> • You can ask for a reassessment at any time. • When NDIA conduct a reassessment, they can decide to create a new plan or vary the current plan, depending on your situation.

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Plan variation	<ul style="list-style-type: none"> • ‘Light touch’ plan review • Plan extension, rollover or continuation • New plans with similar supports and new plans with minor changes 	<ul style="list-style-type: none"> • Under the NDIS Act, there are some situations where NDIA can ‘vary’ a plan without a full reassessment. • You can ask for a variation at any time. • If the NDIA agree to do a variation, you will receive a copy of the varied plan within 7 days. • If the decision is to decline the variation you should receive the decision in writing. • Whenever you receive a new plan always check the whole plan to ensure changes you requested are addressed and nothing has been changed that you did not ask for.
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Acronym Confusion		
Acronym	Meaning	Role
NDIS LAC	Local Area Coordinator	To support people with disability and their families to understand and navigate the NDIS.
ECEI Partners	Early Childhood Early Intervention	To support families with young children with developmental delay or disability and identify if a child is likely to benefit from early intervention from either mainstream community services or NDIS services and support the family with the most appropriate connection.

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AAT	Administrative Appeals Tribunal	Conducts independent merits review of administrative decisions made under Commonwealth laws of the Australian Government including the NDIS
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Other language explained	
Formal Supports	Supports participants have to book and pay for
Informal Supports	The supports participants get from the people around them, for example family, friends, neighbours
NDIA Delegate	NDIA employee whose role is making decisions on funding NDIS Reasonable and Necessary supports by utilizing the evidence provided

What NDIA decisions can be appealed by internal review?

- a decision to decline access to the NDIS
- a decision that your family member is no longer eligible for the NDIS
- to approve your plan, which includes approving the supports funded in your plan
- to approve the statement of supports in a participant's plan
- not to review a participant's plan
- to make, or not to make, a determination about who may do things on behalf of a child
- to make, or not to make, a determination that a person has parental responsibility for a child
- to appoint a plan nominee or a correspondence nominee.
- not to do a plan reassessment
- not to do a plan variation
- to vary your plan
- if you need a plan nominee or a different child representative
- the NDIS-funded supports included in a plan

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- how supports are described in your plan
- how your funding is managed sounds
- how long your plan goes for
- how your plan has been varied.

[National Disability Insurance Scheme Act 2013-Sect 99 - Reviewable decisions and decision-makers](#)

Timelines for receiving an NDIA decision

(as per [Participant Service Guarantee](#))

NDIA must make decisions about access, plan approvals, plan reviews and nominee changes within the following timeframes.

- Access request decisions should be communicated within 21 days
- Explain a decision within 28 days
- Approving a plan within 56 days
- Approving a plan for a child under 7 years within 90 days
- Provide a copy of your approved plan within 7 days
- Decision on whether to do a plan reassessment if you asked for one, 21 days
- Internal review decisions within 60 days
- Decision on whether to vary a plan, after the request is received or inform the participant the NDIA needs more time within 21 days.

What can you do if you do not agree with a decision made by the NDIA?

[Requests for an internal review](#) must be made **within three months** from the day you receive the decision in writing from the NDIA.

There are a few ways you can ask us to review a decision.

You can:

- complete the [Request for a Review of a Decision form](#) and send it along with any supporting evidence to either:

email: enquiries@ndis.gov.au

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post to:

Chief Executive Officer
National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601

- call: NDIA on 1800 800 110
- visit an [NDIS or partner office](#).

If you have not received a decision letter within 60 days of requesting an Internal Review or the decision letter you received did not clearly state the reasons of the decision you can email the complaint feedback line and request response outlining the NDIA decision and their reasoning.

- Our guide to [Challenging an NDIS Decision Flowchart](#)

Is the review about accessing the scheme?

If the decision is about access onto the scheme as a participant, firstly evaluate the NDIA's decision and their reasoning for denying access to the NDIS. Then identify functional support needs, the impact of these and any gaps in the initial evidence provided to the NDIA.

- [Receiving your access](#) decision

You can consider gathering more specific evidence and information of your disability and support needs to either reapply submitting a new application or go through the internal review process and have another NDIA delegate review the original decision.

- Providing evidence of your disability
- Types of disability evidence

If you are unhappy with the way the NDIA carried out its decision-making, or how it dealt with you during the review process, there are various avenues to make a complaint. See our [NDIS Troubleshooting Guide](#)

From [1 July 2023 NDIS early childhood approach](#): Changing the age from 7 to now include children younger than 9, ensures children and their families are supported by an early childhood partner during and after they transition to primary school. Access requests for a child younger than 9 contact an [Early Childhood Partner](#) or call 1800 800 110. [What does the early childhood approach look like?](#)

Is the review about decision/s relevant to a participant NDIS plan/funding?

- What information should you provide?

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- When preparing information for an NDIS internal appeal we recommend that you:
- Submit a Participant Information Access (PIA) request to identify exactly what information the NDIA used to make the decision.(can take up to 28 days) This is an important step to clarify that all participants reports and information were received by NDIA, uploaded and included in the review process.
- Any information you identified as missing after receiving PIA information.
- Address any relevant Information specific to the reason for the appeal.
- Carefully work through our NDIS plan tips fact sheet and examine all information previously provided to the NDIA, identify any missing or new information to include when requesting an internal appeal.
- Explain why you think the decision is incorrect and link any existing and or new supportive evidence
- If you are challenging a decision about supports that you have not been funded for, be clear and specific about what supports you think should be funded and why these supports are reasonable and necessary. You can refer to our Reasonable and Necessary flowchart and tips
- Identify the supports and how they directly link to the participants disability needs and/or if it is an ancillary cost to another NDIS appropriate funded support that you would not otherwise incur.
- Page 8 in the Self-Managers Guide is a useful tool to identify and record Reasonable and Necessary evidence
- It is a good idea to use facts and evidence to support your opinion that the reasonable and necessary criteria has been met, such as medical reports/assessments/best practice references.
- Carer impact statements from family members and a statement of lived experience for the person with disability.

Who completes the internal review?

An NDIA staff member who was not involved in the original decision will be the delegate conducting the internal review. They can make a decision to confirm, vary or set aside and substitute the earlier decision.

The internal review delegate will consider:

- reasons for the original decision, and the information the planner used to make the original decision.
- Any new information you provide.
- The NDIS laws

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How long does a request to review a decision take?

The outcome and reasons for a decision of an Internal review should be communicated to you within 60 days from the day after NDIA received your request.

What to do if you are not happy with the Internal Review decision?

If you are not satisfied with the Internal Review decision you can ask the Administrative Appeals Tribunal to review it. This is called an external review.

Please refer to our [A Guide to the Administrative Appeals Tribunal \(AAT\)](#)

[Participant Service Guarantee](#)

[Participant Service Charter](#)

Helpful Tips

- Make sure your request for a review is actually received by the NDIA and lodged into the system. It is important to follow up with the NDIA to make sure your review is being processed on time.
<https://www.ndis.gov.au/contact>
- Familiarise yourself with the reasonable and necessary criteria or disability requirements when writing your request for an internal review of planning decision. [Supports funded by NDIS](#)
- Consider including a request for a face-to-face meeting in your application.
- Arm yourself with new evidence. It is helpful to get new letters and reports where possible. The NDIA are more likely to consider changing their decision if there is new evidence to be taken into account.
- Continue to follow up both via phone and email with the NDIA and your LAC or ECEI Partner. The feedback from families is that being persistent in following up with the Agency can lead to review processes being completed more quickly and provides you with a paper trail should you need to escalate the matter.
- Developing a [positive vision](#) for yourself or your family member is pivotal in guiding life decisions.
- To clearly communicate disability support needs it is necessary to provide a detailed schedule of any formal and or informal support needs during day and or night over a 2-4 week period plus any random needs that are less frequent. When identifying additional



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disability needs it is helpful to identify what are typical needs for someone of the same age who does not have a disability.(refer to [Report of the Independent Advisory Council to the NDIS](#))

- It is understandable if your emotions are heightened throughout this process. Try your best to be confident and assertive but not aggressive. When representing your family member, remember you know their needs, their life goals, their life challenges and the supports that they require to live an ordinary life. The article "[The Natural Authority of Families](#)" [speaks to the strong knowledge of families.](#)
- Maybe ask a friend or trusted professional to read over your application form. Having a person outside of your family provide feedback can be useful.
- For [Feedback and Complaints to the NDIA](#) always follow their feedback procedures in the first instance. You can also consider contacting your federal MP for any issues with the NDIA. It is helpful for Federal Members to know what is working and what is not.
- If you would like more specific guidance on requesting a review, you can call Family Advocacy on 9869 0866 or 1800 620588 to have a chat. Contact us

Contact us

Family Advocacy

Phone: 02 9869 0866 or 1800 620 588

Email: communications@family-advocacy.com

Web: www.family-advocacy.com