### Through the NDIS, can a person continue to work at their current Disability Enterprise?

We are encouraging all Disability Enterprises to [register as providers for the NDIS](http://www.ndis.gov.au/document/changes-provider-registration) so that their operations are not affected by the transition. Supported employees may wish to ask their Disability Enterprise if they are thinking about registering for the NDIS.

### How can a Disability Enterprise register to provide supported employment for the NDIS?

Organisations must register with the NDIA as a service provider in order to claim services delivered to NDIS participants. To register with the NDIS, go to their website at [www.ndis.gov.au](http://www.ndis.gov.au/).

**Can Disability Enterprises register with the NDIS to provide more services than just supported employment?**

Yes, however providing a wider range of disability services and supports may mean that organisations originally set up solely to provide supported employment may need to amend their constitution.

### How will service providers make claims under the NDIS?

Once a service provider is registered, they will need to set up access to the NDIA Provider Portal. Service providers will need to ask the supported employee for their “NDIS number”. Sighting of the Participant’s plan is not necessary. Service Providers must check that a supported employee with an NDIS approved plan in place, is exited from DSS funding before they claim any funding from the NDIA for the supported employee.

### What will happen to funding for supported employees already working at Disability Enterprises?

Once a supported employee has a plan approved under the NDIS, funding to support them in employment from the Department of Social Services (DSS) ceases as they will be eligible to receive funding under the NDIS. In the event that your employees transition to the NDIS, you are advised to approach the NDIA who will be able to assist in processing claims for participants of the NDIS on a fee for service basis.

### What happens if a supported employee is ineligible to become a participant of the NDIS?

If a supported employee is assessed as ineligible for the NDIS, the Department of Social Services (DSS) will continue to pay the Disability Enterprise for supporting them under the current grant agreement.

### What will happen to DSS funding for Disability Enterprises over time?

DSS funding of supported employment is gradually closing to new clients as the NDIS is rolled out across Australia and people with disability supported in employment transition to the NDIS.

### Is the number of supported employment places capped under the NDIS?

No. Unlike existing funding for supported employment, there is no cap on the number of supported employees that can be funded under the NDIS at a Disability Enterprise.

**Is the employment support funding amount different under the NDIS?**

Existing supported employees with a plan retained the same amount of funding – the Disability Enterprise’s average DMI rate applies from that point on to new employees. It is a transition price and the NDIA are indicating it will stay as is until the disability employment framework is developed. The employment support line items are at section 10 in the price guide.

**How long did the transition to the NDIS take?**

As an example, in the Barwon trial site, Disability Enterprises were one of the last programs to phase in – it took about 3 months. NDS members have stated it was a relatively simple and streamlined process.

**What happens to workers over 65 years or otherwise ineligible?**

Continuity of support is provided through the current DSS funding agreement. There is concern about arrangements beyond the expiry date of that agreement and NDS is seeking on ongoing commitment for funding these employees beyond mid-2018. Providers will need to run dual systems for employees in the scheme and those that are ineligible.

**If a supported employee works 2 or 5 days, do they get the same funding?**

Yes, at this stage. The old DMI rates (and the average) are paid on a weekly basis reflecting the DSS CBF monthly rates.

**What is the intersection between DES & Disability Enterprises?**

From 1 January 2016, supported employees can access both programs concurrently. The supported employee must have a valid Employment Support Assessment (ESAt) or Job Capacity Assessment (JSA) recommending DES and meet all other eligibility requirements. Once a suitable job placement is found the DES provider can continue to support the participant in employment as long as required. The DES participant can choose whether or not to continue their Disability Enterprise employment. A number of people in the trial sites accessing DES have NDIS supports via a plan, however, DES remains outside of the NDIS.

**Are there planning tools for participants?**

Some Disability Enterprises had planning sessions with stakeholders and discussed how to use their plan, e.g. using gym membership. Providers can have a role in educating participants about their plan and how to optimise it.

**Was there a significant increase in administration for providers?**

Yes, services will need an efficient system for claiming and tracking outcomes. There is also an audit process, so providers should be prepared for this.

**What is a Service Agreement?**

A written Agreement between the provider and the NDIS participant.

A Service Agreement can include:

* Supports to be provided
* The cost of the supports
* How, when and where the supports will be provided
* How long the supports will be provided
* How any problems or issues that arise will be dealt with.
* Responsibilities under the agreement

A [Model Service Agreement](http://www.ndis.gov.au/model-service-agreement) is available on the NDIA website.

**Is the Model Service Agreement useful?**

Yes, however the agreement may need to be further refined to ensure people with intellectual disability, families and carers can clearly understand it.

**On the NDIA price list, there are four support items that in the description states "price guide is weekly" but the unit of measure is hours. Why is this?**

The DMI prices are weekly. This differs from the DSS payment of the CBF levels, which are monthly. The other employment supports identified are paid on an hourly basis, as per the NDIA’s preferred pricing model. There are explanations of the supports and the prices in the [Support Clusters](http://www.ndis.gov.au/providers/pricing-and-payment/support-clusters) Definitions and Pricing guide.

**What is the policy on reimbursements for employee absences?**

Employees can be suspended under the NDIS. It is up to the Disability Enterprise if they are happy to allow employees to take leave without pay. If the Disability Enterprise agrees, it cannot claim funding from the NDIA while employees are not working. The NDIA has a cancellation policy, which allows providers to recover costs in the case of no shows for particular supports, but NDS would like to see a sensible policy adopted for supported employment that is similar to the current procedures.

**Q. Do Disability Enterprises have to exit employees from FOFMS prior to them having signed a service agreement?**

A. DSS requires Disability Enterprises to exit an employee on FOFMS only when the service becomes aware that a supported employee has a plan approved by the National Disability Insurance Agency (NDIA). It is important, particularly for supported employees with an intellectual disability that their employer develop systems and processes to allow for delays in signing a service level agreement between the employer and the employee. These procedures should be communicated to all supported employees, their parents, carers and service coordinators to ensure that the procedures are understood and followed. Ideally services should regularly reinforce with employees the importance of advising when they first schedule a meeting with the NDIA, the progress of which can then be monitored by the employer to support the employee through this process.

**Q. What happens if a service agreement has been drawn up between the employer and the employee (or their representative) and the employee is unhappy with the agreement or wants to negotiate further? If the employee has been removed from FOFMS there will be a lapse in funding.**

A. Ideally, Disability Enterprises should meet with each of their supported employees to discuss their aspirations and support needs prior to the employee meeting with the NDIA. Engaging early with supported employees to identify both the services on offer and the support needs of the individual may reduce the likelihood of a misunderstanding when developing a service agreement.

**Q. What happens when a Disability Enterprise becomes aware of an employee’s NDIS plan that is dated as commencing at a time in the past?**

A. Currently, DSS requires Disability Enterprises to exit a case on FOFMS only when they become aware that a supported employee has a plan approved by the Agency. The exit date on FOFMS must not be backdated and should be the same date that the organisation first became aware that a plan is in place. Disability Enterprises must not claim from the NDIA until the supported employee has been exited from FOFMS and claims must not be backdated prior to this date as this would incur an overpayment.

DSS will not recover funding where an organisation has taken reasonable steps to monitor the transition of its employees to the NDIS and would only do so where an organisation attempted to bill the NDIA for support delivered while still in receipt of DSS funding.

**Q. What should Disability Enterprises do when they cannot obtain an employee’s plan in a timely manner? NDIS support coordinators have also requested Disability Enterprises send through a service agreement which contradicts the NDIS requirements of negotiating with the employee.**

A. DSS strongly encourages all Disability Enterprises in new NDIS sites to develop relationships with local Agency offices and Local Area Coordinators to resolve issues of this nature.

Organisations in new sites should develop procedures to ensure that their employees, parents, carers or service coordinators provide the plan to relevant staff in the Disability Enterprise in a timely manner to assist the development of a service agreement.