

# NDIS and External Providers Policy

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## Purpose

The National Disability Scheme (NDIS) is an Australian Government scheme that provides people with significant and permanent disability greater choice and control over the delivery of their disability support services. This has led to an increase in requests for schools to allow NDIS-funded or externally funded support to be delivered to students at schools.

This Policy explains the approach taken by Lavalla Catholic College (the College) in relation to requests by parents (or, in some cases, by students) for the NDIS or other external providers (Providers) to provide services to students on College premises, whether during or outside of school hours.

The Policy explains:

- the matters that the College will consider when a request is made for a Provider to provide services to a student at the College
- the process that applies when making such requests.

## Definitions

*Parent* includes one or both parents, carers and legal guardians.

*Providers* encompasses health, disability and wellbeing providers who are funded externally to the College and includes both NDIS-registered providers and those who are not registered with the NDIS.

*Students* includes but is not limited to students supported by the NDIS.

## Principles

- The College considers that awareness of, recognition of, and responsiveness to the needs and rights of all individuals are essential to human dignity.
- The College recognises the importance of providing equitable access and opportunity for all learners through the implementation of inclusive practices that embrace and celebrate diversity within the College community.
- The College values the development of high-quality relationships within the College community and in this context aims to work together with families in relation to student needs.
- The College acknowledges its legal obligations towards students arising from its duty of care, the Child Safe Standards, the Victorian Reportable Conduct Scheme and anti-discrimination legislation.
- The College aims to prepare learners for life in our changing world.

## Policy

While the delivery of therapy services at the College is a partnership between the College and parents, it is the Principal's / delegate's decision whether to permit an externally funded service to be delivered in the College.

The Principal / delegate will make decisions on a case-by-case basis. The Principal / delegate has discretion in relation to approval, review or withdrawal of in-school delivery of external services.

It is important to be aware of the difference between NDIS-funded and / or externally funded services and school-funded services. NDIS-funded therapy relates to the student's 'whole-of-life' support needs, i.e. supports which relate to the functional impact of their disability on regular activities that are a part of daily living. The

College remains responsible for the provision of therapy that primarily relates to the student's education. The Principal has ultimate responsibility for the educational programs provided by the College, and the College is responsible for all aspects of a student's program and care during school hours.

### **Considerations**

When considering requests or reviewing an existing arrangement, the Principal / delegate will be guided by the following key questions:

- Is this in the best interests of the student who is receiving the service?
- Are there alternatives available to meet the identified student needs in the school context?
- How will this impact other students and staff at the College?
- How will this impact the operational requirements of the College?

In addition, the Principal / delegate will consider the following factors:

- a) student access to the curriculum
- b) practical and administrative capacity
- c) individual circumstances of the student
- d) duty of care
- e) child safety
- f) request for therapy on College grounds after school hours
- g) anti-discrimination obligations
- h) health and safety
- i) privacy.

Most request received by the College are for services to be provided by NDIS-registered Providers, who must consent to NDIS guidelines, terms of business and background checks. If requests are made for in-school access by unregistered Providers, in addition to the considerations above, the Principal / delegate will consider the heightened risks of unregistered Providers.

Providers do not have an automatic right of access to the College, even if they currently deliver a service to another student at the College and / or currently work with the student outside of school.

### **Review**

The in-school delivery of external services will be reviewed at regular intervals and may also be reviewed whenever the Principal deems such a review to be necessary. For example, the Principal may decide to review the arrangement when there is a change in the student's circumstances or when advised that the arrangement is impacting on other students and staff.

### **Withdrawal**

The Principal has discretion to withdraw in-school delivery of external services, based on consideration of the matters outlined under 'Considerations' above. The following factors may also be relevant:

- The service no longer meets the student's needs
- There have been inadvertent effects on other students, staff and the overall operation of the College
- Delivery of the service does not meet the Clinical Access Arrangement
- The quality of the service is not acceptable
- There has been a high turnover of Providers
- The Provider is not reliable
- There has been inappropriate conduct by the Provider
- College compliance requirements have not been maintained.

## Decision Considerations

The Principal will specifically consider the factors described by headings a) to i) below. Some examples of the considerations under each heading are listed below. Please note these examples are not exhaustive.

### ***a) Student access to the curriculum***

- Is there a direct relationship between the service and the student's educational program outcome?
- Does the service enhance the student's educational program?
- Is there any impact on the student's engagement and access to the curriculum?
- Is access to the curriculum improved by allowing the service to occur during school hours?
- Is there any impact on staff of an additional adult in the College environment?
- Does the service impact on access to the curriculum for other students?
- Is there any disruption or difficulties experienced by the teacher or other students if the therapy occurs in the classroom / on the College premises?

### ***b) Practical and administrative capacity***

- Does the College have the practical capacity to accommodate the provision of the service to the student on College grounds?
- Is there physical space available?
- Is there an increased administrative burden in having the Provider on College grounds?
- Does the provision of the service impact on timetabling requirements?

### ***c) Individual circumstances of the student***

- What are the factors relevant to this student, including family and social circumstances?
- Do the student's family circumstances exclude therapy being delivered in another location or outside school hours?
- Is there sufficient flexibility in the student's educational program?

### ***d) Duty of care***

- How can the College ensure it complies with its duty of care obligations (i.e. reducing the risk of foreseeable harm to all students) during in-school delivery of services to the student?
- Are there safe and suitable premises for the provision of the services?
- Is there adequate supervision of the student, with line-of-sight to the therapy session or a parent / staff member in attendance?

### ***e) Child safety***

- Does the Provider hold a current Working with Children Check and National Police Record Check?
- How will the College ensure it complies with the Child Safe Standards in relation to the Provider and provision of services?
- How will the College inform the Provider of the College's Child Protection Policy, Code of Conduct, supervision arrangements, internal reporting and obligations under the reportable conduct scheme?
- How will the College advise parents what to do if they have concerns about their child's welfare?
- Is there an appropriate registration body to quality assure the relevant credentials of the Provider e.g. the Australian Health Practitioner Regulation Agency (AHPRA), Speech Pathology Australia (SPA)?

### ***f) Request for therapy on College grounds after school hours***

- What are the risks and limitations in permitting services to students on College grounds outside of supervision hours?

### **g) Anti-discrimination obligations**

- Does the requested service directly relate to access to education or 'whole-of-life' support?
- Is the College providing 'reasonable adjustments' to enable the student to access their education on the same basis as their peers?

### **h) Health and safety**

- Are there any specific health and safety considerations relating to the Provider on College grounds?
- Are there any health and safety considerations relating to equipment used by the Provider?

### **i) Privacy**

- How will the College manage privacy considerations in terms of information disclosed to the Provider?

## **Process**

The College will endeavour to follow the process outlined below in respect of requests for in-school delivery of external services. There may be slight variations in process depending on the circumstances.

### **Step 1: Request for Access**

A request for in-school delivery of external services must come from the student's parent and external provider or, where appropriate, the student. All requests should be made to the Principal / Delegate in the first instance.

When a request is made, the Inclusive Learning Leader – Operations will:

- Forward the parent a copy of the *Parent Consent Form* (Attachment 1) to complete and return. This form is the means by which the parent provides authorisation for the external therapy and for the sharing of health information within the College
- Forward the Provider the *Therapist Information Request Form* (Attachment 2) to complete and return. This form is the way in which the Provider provides the College with all relevant information about the request.

### **Step 2: Decision**

Once the College has received the fully completed and signed *Parent Consent Form* and *Therapist Information Request Form*, with all requested documentation attached, the Principal (in conjunction with any relevant staff members) will consider the request in light of the considerations outlined in this Policy.

The Principal / delegate will make the decision on an individual basis.

### **Step 3: Notification of the decision**

Once the Principal has made a decision (regardless of the outcome), the Principal / delegate will:

- Advise the parents in writing of the decision (and provide a copy to the Provider)
- Record the decision and considerations on the student's file

If the parent has any concerns about the decision or wishes to provide supplementary information, they may raise this with the Principal / delegate. The Principal / delegate will consider any additional information and provide a final response.

### **Step 4: Clinical Access Arrangement**

If the Principal / delegate decides to approve the request, the next step is to make a Clinical Access Arrangement with the Provider to minimise any risks associated with the provision of the service.

The College will arrange a meeting between the Principal / delegate (and any relevant staff members as determined by the Principal), parents and Provider to confirm arrangements for the therapy including:

- the student's educational and therapy goals
- the time, frequency and place the therapy will occur
- supervision arrangements
- notice of change of arrangements (e.g. notification arrangements if the Provider is delayed or the student is absent)
- the timeframe for an initial trial where this is specified by the College

During this meeting, it is intended that the Principal / delegate and Provider will agree to and sign the:

- Clinical Access Arrangement
- Information Sharing Agreement.

The College will take minutes of the meeting and provide the Provider with copies of the signed agreements.

### **Step 5: Record keeping**

The College will place copies of relevant documentation on the student's file, including:

- Signed copy of the *Parent Consent Form*
- Signed copy of the *Therapist Information Request Form*
- Letter to parents and therapist
- Record of decision
- Signed copy of the *Clinical Access Arrangement*
- Signed copy of the *Information Sharing Agreement*
- Minutes of the meeting with the Provider.

### **Step 6: Commencement of services**

Prior to commencement of the services at the College, the College will ensure:

- The Provider and service meet all legal and policy requirements
- The Provider undergoes a school induction
- The service is delivered in accordance with the College's visitor / contractor arrangements.

Note that attendance of the Provider at any school-based meetings should be funded from the student's NDIS plan.

The College will inform school-based therapists and relevant Catholic education diocesan staff of services being delivered by an externally funded Provider to ensure coordinated participation in the student's school life.

## **Attachments**

1. Parent Consent Form
2. Therapist Information Request Form

## **References**

- College Child Protection Policy and Code of Conduct
- College Occupational Health & Safety Policy
- Catholic Education Commission of Victoria Ltd [NDIS/External Providers: Guidelines for Schools](#)
- Catholic Education Commission of Victoria Ltd [Child Safety & Reportable Conduct](#) (includes resources on the engagement of contractors)

- Department of Education and Training [NDIS funded therapy at school](#)
- *Disability Standards for Education 2005* (Cth)
- National Disability Insurance Scheme [website](#).

*The information in this Policy is of a general nature and is not intended to create a binding legal obligation on the College.*

# Attachment 1 - Parent Consent Form

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This **Parent Consent Form** acknowledges you provide authorisation for the externally funded therapist nominated on this form to:

- i. share vital and appropriate information about the student with the College
- ii. provide support or therapy to the student on College premises, if the Principal agrees.

When collecting and managing personal and health information about students and their families, the College must comply with Victorian privacy laws. The College only collects and shares information as set out in its privacy policy, which can be found at: <https://www.lavalla.vic.edu.au/>. The College requires the externally funded therapist to share vital and appropriate information about the student to best educate the student and meet legal obligations.

The externally funded therapist must provide the Principal with the following:

- i. information on the student's disability and their needs (at times nominated by the Principal, i.e. weekly or monthly)
- ii. information on probable risks to the student or any other person (for example, violent behaviour, self-harm or assault).

The information will only be shared by the Principal with other staff to educate and assist the student or meet legal obligations. The College's privacy policy can assist you with information held about the student or you can contact the principal.

## **I confirm I have read this consent form and:**

- request the provision of externally funded therapy to my child (details below) at school
- understand that, if the Principal agrees to the request, the externally funded therapist must share information with the College about my child
- acknowledge I can contact the College at any time if I wish to withdraw my consent for the externally funded therapist.

## To be completed by the parent(s)

Student details		School details	
Student name:		School name:	
Date of birth:		Year level, teacher:	
Therapist details			
Company name:		Address:	
Therapist name:		Mobile telephone:	
Occupation:			
Parent, guardian, carer or mature minor consent			
Name:		Student relationship:	
Contact telephone:		Email address:	
<b>Signed:</b>		<b>Date:</b>	

This form can be signed by:

- a person with parental responsibility for ‘major long-term issues’ as defined in the *Family Law Act 1975* (Cth)
- a person authorised to make health decisions for the student under the *Children, Youth and Families Act 2005* (Vic.)
- an adult student
- a carer
- a mature minor, if the principal has determined the student is a mature minor for the purpose of making this decision.



## Attachment 2 - Therapist Information Request Form

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This form must be completed by the externally funded therapist for authorisation to provide therapy in Lavalla Catholic College (the College) or on College grounds.

The College is committed to students and their parent(s) exercising choice and management in relation to externally funded therapy or support, where it is practical to do so.

The Principal must consider several relevant elements when determining whether it is possible for the College to agree to externally funded therapy in the College.

The decision process can include:

- student access to the curriculum
- individual student circumstances
- the College's practical and administrative capacity
- the College's duty of care.

For the Principal to determine such a request, the externally funded therapist and parent(s) making the request for access to the College are required to meet the following obligations:

- The student's parent(s) must complete and sign the **Parent Consent Form (Attachment 1)**.
- The externally funded therapist must complete and sign this **Therapist Information Request Form (Attachment 2)**.
- The signed forms, together with the documents requested and any other documents relevant to assist the decision-making, must be supplied to the Principal.

No request will be considered by the Principal until receipt of the completed **Therapist Information Request Form** and **Parent Consent Form**.

Once all information is received, the Principal will decide and respond to the request in a timely manner.

Any queries should be directed to the Principal.

## To be completed by the externally funded therapist

<b>Student details</b>	
Name of student:	
Teacher and year level:	
Are there any family, social or practical conditions related to the request?	
<b>Therapist details</b>	
Name of therapist:	
Company name and address:	
Company telephone and email:	
Therapist mobile:	
Therapist email:	
Therapist qualifications:	
Therapist professional registration details:	
Is the therapist an NDIS registered practitioner?	
<b>Proposed therapy details</b>	
Purpose of proposed therapy:	
Will therapy be conducted in the classroom? If not, what classes will the student miss?	
Proposed location of therapy:	
Proposed day/time therapy will be provided:	
Proposed therapy duration and frequency:	

What are the proposed goals and advantages of the therapy being provided at school/during school time?	
Is the therapy a medical assistance that must take place at set intervals/times daily?	
<b>Documentation</b>	
Certified copies of therapist's current: <ul style="list-style-type: none"> <li>Working with Children Check</li> <li>National Police Certificate</li> </ul>	<i>Therapist to sign certified copies are attached.</i>
Certified copies of therapist's/company's: <ul style="list-style-type: none"> <li>public liability insurance</li> <li>professional indemnity insurance</li> <li>workers compensation</li> </ul>	<i>Therapist/company to sign certified copies are attached.</i>
<b>Therapist acknowledgement</b>	
I, ....., accept and agree that if the request for access is permitted for externally funded therapy on school grounds: <ul style="list-style-type: none"> <li>I, or my company/incorporated association of which I am an employee, must enter into a <b>Clinical Access Arrangement</b> with the principal which sets out the general and special arrangements and requirements of my use of the school premises</li> <li>I, with the consent of the student's parent(s), must sign an <b>Information Sharing Agreement</b> which requires me to share relevant student information with the school.</li> </ul>	Signed ..... Date .....