

# *Disability Inclusion Act 2014* – supports, services and funding

The *Disability Inclusion Act 2014* (the Act) and the *Disability Inclusion Regulation 2014* (the Regulation) commenced on 3 December 2014.

The Act replaces the *Disability Services Act 1993*. Part 5 of the Act sets out a new framework for the way that Family and Community Services (FACS) provides disability funding, supports and services, up until the National Disability Insurance Scheme (NDIS) is fully implemented in NSW.

## **Who can receive supports, services and funding?**

Under the Act, FACS can provide services, supports and/or individualised funding to a person “in the target group.” This is a person who has a disability, whether or not it is worse at times, that:

- is caused by intellectual, cognitive, neurological, psychiatric, sensory or physical impairment, or a combination of impairments; and
- is permanent or likely to be permanent; and
- results in a significant reduction in a person’s ability to function in life; and
- results in the need for support, which might be greater at some times than at others.

FACS can also provide funding to eligible entities for them to provide supports or services to people in the target group. Eligible entities include government departments or agencies, local councils, corporations or a body corporate (which includes non-government organisations), sole traders, partnerships, or other entities set out in the Regulation. In this fact sheet, eligible entities are also called disability service providers.

## **Funding to or for individual people with disability (individualised funding)**

FACS can provide funding to people with disability to give them choice and control over the supports they receive. This can be given in a number of different ways to suit the person’s needs, including:

- a) a direct payment to the individual;
- b) a direct payment to another person nominated by the individual or approved by FACS as an appropriate person to receive the funding on behalf of the individual;
- c) funding to a plan manager (which must be an eligible entity), to manage the funding for the individual in consultation with them; or
- d) funding to a disability service provider for the purpose of providing supports and services to the particular individual.

To receive direct funding through the first two options, an individual or their nominated person must enter into an agreement with FACS. The agreement must include details about the supports and services to be obtained, and a plan setting out the outcomes, goals and aspirations to be achieved. There may also be conditions on the assistance.

[www.facs.nsw.gov.au](http://www.facs.nsw.gov.au)

This is fact sheet 3 of 5 on the *Disability Inclusion Act 2014*.  
Visit [www.facs.nsw.gov.au/dia](http://www.facs.nsw.gov.au/dia) to access all fact sheets on the Act.

## 'Block funding' to eligible entities

As currently happens, a disability service provider can enter into an agreement with FACS to provide supports and services to people in the target group. The agreement requires the provider to comply with the NSW Disability Service Standards.

Where the service provider is a non-government organisation, the agreement must also outline other details, including how the organisation should have regard to the Act's disability principles, the purpose of the funding and the outcomes to be achieved through the funding.

It is also a condition of the funding agreement with FACS for disability service providers to undertake employment screening for staff, volunteers and board members. See *DIA fact sheet 4 – employment screening* for more information.

## Can financial assistance be suspended or terminated?

FACS can suspend individualised funding for up to 90 days at a time when there is a reasonable belief that the person is no longer using the supports and services, or obtaining supports and services by other means.

Funding to disability service providers can also be suspended or terminated if FACS believes a provider has breached the NSW Disability Service Standards, employment screening requirements, or the funding agreement.

Funding to an individual or to a disability service provider can also be terminated due to the implementation of the NDIS.

## What funding decisions can be reviewed by the NSW Civil and Administrative Tribunal?

A person or disability service provider can ask FACS to review decisions that:

- impose conditions on individualised funding;
- say a person with disability cannot receive individualised funding directly (as a direct payment), but instead can only access individualised funding through a nominated person under a Direct Payment Agreement (DPA), or a plan manager, or a service provider;
- suspend financial assistance; or
- terminate financial assistance, where termination is not related to the implementation of the NDIS.

If an individual remains unhappy with FACS's decision, they may appeal the decision to the NSW Civil and Administrative Tribunal.

**This fact sheet is available in a range of other languages and in an Easy Read format. To access these resources and find out more about the *Disability Inclusion Act 2014* visit [www.facs.nsw.gov.au/dia](http://www.facs.nsw.gov.au/dia), email [disabilityinclusionact@facs.nsw.gov.au](mailto:disabilityinclusionact@facs.nsw.gov.au), or call 1800 446 470. If you would like to speak to us through an interpreter, call TIS on 131 450.**