



Eligibility for Disability Services and Programs Sector-Wide Policy

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Implementation date:	1 February 2014
Issued by:	Disability SA
Delegated authority:	Executive Director Disability SA
Policy custodian:	Director Policy and Planning Disability SA
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Confidentiality:	Public
DCSI strategic objective:	Support independence and participation
SA Strategic Plan:	SP4: Every chance for every child Target 11: Housing for people with disabilities

1 Intent

The aim of this policy is to provide a consistent and transparent framework for determining eligibility for disability services that are provided or funded by the Department for Communities and Social Inclusion (the Department). It is not the intent of this eligibility policy to label a person, but it is recognised that this can be an unintended consequence of being determined eligible for disability services. The purpose of defining eligibility is to enable people with disability to access services and to ensure that services are directed towards the intended population. The Department promotes the full and equal enjoyment of all human rights and fundamental freedoms by all people with disability, and respect for their inherent dignity.

Note: This policy replaces the Eligibility for Disability Services Sector-Wide Policy (number DIS/188).

2 Context

The United Nations Convention on the Rights of Persons with Disabilities, the [National Disability Insurance Scheme Act 2013](#), and key South Australian and Commonwealth strategies promote access, inclusion and choice for people with disability, and a focus on their individual needs, goals and aspirations. The Department aims to promote these principles within all aspects of disability services policy and service delivery.

Supporting the United Nations Convention on the Rights of Persons with Disabilities, the Department values the diversity and contributions that people with disability bring to our community. The Department recognises the importance of accessibility to the physical, social, economic and cultural environment; to health and education; and to information and communication in enabling people with disability to fully enjoy all human rights and fundamental freedoms.

The National Disability Strategy (NDS) is a 10 year plan for creating an inclusive society that enables people with disability to fulfil their potential as equal citizens. The NDS plays an important role in protecting, promoting and fulfilling the human rights of people with disability by striving to reduce discrimination, improve access to services and facilities, increase participation in employment and training, and improve health standards.

The NDS will help to ensure that the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into policies and programs affecting people with disability, their families and carers.

The National Disability Agreement (NDA) between the Commonwealth, State and Territory Governments, provides the national framework and key areas of reform for the provision of government support for people with disability. The NDA aims to improve and increase services for people with disability, their families and carers to enhance quality of life and create opportunities for greater social and economic participation as valued members of the community. The NDA aims to assist people with disability to live as independently as possible by increasing their choices and control over supports and improving their wellbeing. At the same time, the NDA focuses on supporting families and carers in their caring roles.

Under the NDA, disability services for people aged under 65 years, or under 50 years for Aboriginal and Torres Strait Islander people, are administered by the South Australian Government through the Department. The Commonwealth Government has assumed full responsibility for all aged care and disability services for people aged 65 years and over (over 50 years for Aboriginal and Torres Strait Islander people).

In December 2011, the South Australian Government endorsed [Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia \(2012-2020\)](#) as a roadmap for disability reform. Strong Voices seeks to address a power imbalance – to move away from systems and bureaucracy and towards people with disability, their families and carers. Implementation of the blueprint's recommendations provides the strategic direction for disability reform in South Australia.

From 1 July 2013, the National Disability Insurance Scheme commenced in South Australia with a children's launch. Over a three year period, funding and responsibility for determining the eligibility and allocating and planning services for children and young people from birth to 14 years is progressively transitioning from the Department to the National Disability Insurance Agency. South Australia has also signed up to the full implementation of the National Disability Insurance Scheme for all South Australians with disability, which will start from 2016 with full implementation by 2018.

The National Disability Insurance Scheme provides support and, where relevant, individualised funding to support people with disability. Once fully implemented, the National Disability Insurance Scheme will change the way disability services are assessed and provided to individuals.

Given the evolving nature of the way disability services are managed and delivered in South Australia, this policy is required to establish eligibility criteria and guiding principles for the delivery of disability services. It will ensure that services are funded and provided in a transparent manner. This policy affirms that intake and assessment practices must be underpinned by a commitment to the principle of client participation in decision making, which seeks to enable maximum choice and control for the person with disability.

This policy is relevant for current Commonwealth and State Government roles and responsibilities (at the time of approval) and will be amended in the event new arrangements commence.

3 Risk

In the absence of a consistent and transparent framework for determining eligibility for disability services, there is a risk that inconsistent eligibility decisions will be made. This can result in a lack of clarity for people with disability, their families and carers about the assistance they can expect.

4 Reference Documents

4.1 Directive Documents

- [United Nations Convention on the Rights of Persons with Disabilities \(2008\)](#)
- [National Disability Strategy \(2011\)](#)
- [National Disability Agreement \(2012\)](#)
- [National Disability Insurance Scheme Act \(2013\)](#)
- [National Partnership Agreement on Transitioning Responsibilities for Aged Care and Disability Services \(2011\)](#)
- [National Carers Strategy \(2011\)](#)
- [Disability Services Act \(1993\) \(SA\)](#)
- [Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia \(2012-2020\)](#)
- [Carers Recognition Act \(2005\) \(SA\)](#)
- DCSI Client Feedback Policy

4.2 Supporting Documents

- [National Standards for Disability Services \(2013\)](#)
- [Better Practice Guidelines on Complaints Management for Health Care Services \(2004\)](#)
- [Community Care Common Standards \(2011\)](#)
- [HCSCC Charter of Health and Community Services Rights \(2011\)](#)

4.3 Related Documents and Resources

- [HCSCC – Ever Felt Like Complaining? Report Recommendations \(2009\)](#)

5 Scope

Included:

This policy applies to disability services that are provided and/or funded by the Department to assist both children and adults with disability.

Excluded:

This policy does not apply to people who are eligible to be participants under the National Disability Insurance Scheme or to services provided under the National Disability Insurance Scheme.

6 Definitions and Terminology

Disability services

Services that are provided and/or funded by the Department to assist both children and adults with disability. These include specialist disability services delivered under the legislative framework of the Disability Services Act 1993, and basic community care services transitioned under the National Partnership Agreement on Transitioning Responsibilities for Aged Care and Disability Services.

Funded service

Services that are funded by the government, including case management, programs or a suite of services directed to target group(s) or individuals.

Service provider

This refers to Departmental divisions that provide disability services and programs, or any non-government organisation funded by the Department to deliver disability services and programs.

Support

In South Australia, the Department and the non-government sector provide a continuum of services, supports and programs for people living with disability. This includes basic community care services such as domestic assistance, transport and home maintenance; and specialised disability services such as supported accommodation, community support, community access, therapy, respite and equipment.

Not all people who identify as having disability will be assessed as eligible to receive disability services, supports, or programs. The actual service a person can receive is outlined in the relevant guideline and determined by availability.

7 Policy Detail

7.1 Guiding Principles

The process for determining eligibility and access to disability services is to be consistent with the following principles:

- a) The South Australian Government recognises and respects the self determination of all people and acknowledges that if a person identifies themselves as having a disability this will be recognised accordingly.
- b) People with disability have the right to participate in and contribute to the social, cultural, political and economic life of the community on an equal basis with others.
- c) People with disability have the right to realise their potential for intellectual, physical, social, emotional, sexual and spiritual development.
- d) People with disability have the right to respect for their worth, dignity, individuality and privacy.
- e) The cultural and linguistic diversity of people with disability is respected.

- f) People with disability have the right to live free from abuse, neglect, intimidation and exploitation.
- g) People with disability have the right to be able to determine their own best interests, including the right to exercise informed choice and engage as equal partners in decisions that will affect their lives, to the full extent of their capacity.
- h) The importance of families and social connections for people with disability is recognised.
- i) People with disability have the right to available and appropriate assistance and support that will enable them to maximise their capacity to exercise choice and control, and realise their potential.
- j) The process for determining eligibility for disability services, pursuant to the guidelines, is transparent, consistently applied, efficient and timely.

7.2 Eligibility Requirements

- 7.2.1 A person is eligible to apply for disability services within the scope of this policy where they meet the following requirements:
 - a) The person's disability, in interaction with various barriers, hinders the person's participation in society on an equal basis with others.
 - b) The person with disability requires support before the age of 65 years to enable participation in society on an equal basis with others.
- 7.2.2 To be eligible for specialist disability services, the person has a disability that is attributable to one or more cognitive, intellectual, neurological, physical, or sensory impairments, or acquired brain injury. This includes young children with developmental delay, and children and adults diagnosed with autism spectrum disorder.
- 7.2.3 Those people with disability requiring a lower level of support may be eligible for basic community care services.
- 7.2.4 Specific disability programs or services, offered by funded organisations, may have their own eligibility requirements related to identifiable target groups, and program or service aims, outlined in service level funding agreements.
- 7.2.5 Eligibility decisions are determined by the relevant program guideline.
- 7.2.6 Access to disability services is prioritised on the basis of the needs and circumstances of the individual with disability, and the ability of the service provider to meet those needs within the guidelines of the funding available.
- 7.2.7 Where practicable, information and referral support is made available to those individuals assessed as not eligible for disability services, to enable access to alternative service options.

7.2.8 Individuals assessed as not eligible for disability services have the right to have their eligibility reviewed if their circumstances change.

7.2.9 Individuals have the right to appeal an eligibility decision, pursuant to the instructions in the relevant guideline.

7.3 Feedback and Complaints

The Department encourages individuals to provide feedback directly to service providers to improve the accountability, transparency and responsiveness of eligibility determination processes for disability programs and services. Any feedback received is to be managed by service providers in a proactive and timely manner in accordance with the principles of this policy.

Specific feedback regarding eligibility and access to disability services and programs provided or funded by the Department should be directed to the Department during business hours (9am-5pm) on 1300 786 117. Alternatively, a Client Feedback Form is available online at www.dcsi.sa.gov.au. This form can be emailed to clientfeedback@dcsl.sa.gov.au or printed off, completed and sent in reply paid (no postage required) to:

DCSI Client Feedback
Reply Paid 292
Adelaide SA 5001

If individuals are not satisfied with the response to their feedback, they can speak with the Department's Feedback Coordinator by telephoning 8413 9050.

If individuals are not satisfied with the process, progress or response to their feedback by their service provider, they have the right to refer the matter to the:

a) Health and Community Services Complaints Commissioner (HCSCC)

HCSCC Enquiry Service
Phone: 8226 8666
Monday-Friday 9am-5pm
1800 232 007 (toll free in SA)
PO Box 199
Rundle Mall SA 5000
Website: www.hcsccl.sa.gov.au

b) Ombudsman SA

Phone: 8226 8699
1800 182 150 (toll free outside metro SA only)
PO Box 3651
Rundle Mall SA 5000
Email: ombudsman@ombudsman.sa.gov.au
Website: www.ombudsman.sa.gov.au

8 Aboriginal Impact Statement Declaration

The needs and interests of Aboriginal people have been considered in the development of this policy. It has been assessed that there is no impact specific to Aboriginal people or an impact that could disproportionately affect Aboriginal people.

9 Approval

Content Author:	Policy Custodian:	Delegated Authority:
Date: January 2014	Date: January 2014	Date: January 2014
Position: Chief Project Officer Policy and Planning Disability SA	Position: Director Policy and Planning Disability SA	Position: Executive Director Disability SA