

Guide to Reasonable and Necessary (R & N) decisions

Supports in a justice setting

Case

Julie lives with autism spectrum disorder and has been in custody for 5 years. She finds it difficult to interact with others and can show significant behaviours of concern, including striking out at people.

Julie is getting ready for her release in 6 to 8 months. She would like to live with her elderly parents. Julie has no other informal supports or social connections in the local community. There are concerns about how Julie will manage integrating back into the community. Also, about how she'll cope living with her parents because she doesn't like being told what to do.

Julie's psychologist has recommended funding for a behavioural support plan. This would aim to help her develop the skills she needs to manage her behaviours, so she can live successfully with her parents again.

Would we fund this?

Yes, we would typically fund capacity building supports, such as a behaviour support plan, to help Julie progress from custody to the community. These NDIS supports are likely to meet our [NDIS funding criteria](#). A behavioural support plan will help Julie develop strategies aimed at reducing her behaviours of concern.

Why would we fund this?

When working out whether a NDIS support is reasonable and necessary for you, we look at the information you give us against the [NDIS funding criteria](#).

We can't fund supports that are more appropriately funded or given through other general service systems, such as the justice system.

The justice system is responsible for most of your supports while you're involved in the justice system. This includes supports when you're released from custody. However, we recognise you may need additional NDIS support because of your disability to help you transition back into the community.

We may fund NDIS supports to help you build your independence and manage your day-to-day life when you're released from custody.

We may fund capacity building supports such as:

- support coordination
- a psychosocial recovery coach
- occupational therapy to improve your independent living skills

- behaviour supports such as a behaviour support plan.

We may also fund core supports to help with your transition. For example, Julie will receive 8-10 hours core support to introduce her to the support workers who will work with her when she leaves custody. This will let Julie get to know her support workers while she is still in custody. Her support workers can also support her if she visits her parents on day release as part of her transition program.

What else do we think about?

We're not responsible for funding all the supports you need when you're released from custody.

The justice system is responsible for general supports and some skills development training to help you transition, or progress back into the community. They can also connect you to mainstream supports such as Centrelink, health, mental health, employment and housing services.

Case Example

Rick has been in custody for 12 years and is due for release in 2 years. Rick lives with a mild intellectual disability and has used drugs and alcohol in the past. He has displayed some behaviours of concern and poor decision making.

Rick grew up in foster care but spent a lot of time on the street. He has not made good decisions in the past about the people he spends time with. He has kept in contact with his foster sister and she hopes he will eventually be released into her care, but is concerned about his previous lifestyle choices. Rick's psychologist has recommended that he gets behaviour support intervention to help manage behaviours of concern, as well as psychological supports to improve his decision making.

When working out whether the NDIS support is reasonable and necessary, the planner looks at the information Rick has given us against the [NDIS funding criteria](#). The planner must think about whether the support:

- relates to Rick's disability
- will be, or is likely to be, effective and beneficial in reducing behaviours of concern and improve Rick's decision making. It also needs to take into account current good practice. This means thinking about what's recommended, or has been found to work well for other people in situations like Rick's
- is an NDIS support for Rick.

The planner decides it's reasonable and necessary to include capacity building NDIS supports in Rick's plan for:

- developing a behavioural support plan to manage behaviours of concern
- psychological support (non-clinical) to help Rick with improved decision making

It's expected this support will build Rick's capacity over time to make better decisions in his day-to-day life when he returns to his sister's care.

For more information, refer to:

- [Our Guideline - Reasonable and necessary supports](#)
- [Our Guideline – Justice](#)