

Guide to Reasonable and Necessary (R & N) decisions

Disability supports and community supervision

Case

Dale has a psychosocial disability. He has been found guilty of a crime and his lawyer has asked the magistrate to let him stay in the community due to his disability. The magistrate has agreed on the condition that Dale has 24 hour 1-to-1 supervision to reduce the risk of him reoffending. To help him obey the community supervision order, Dale asks us to fund 24 hour 1-to-1 support from a support worker in his plan.

Would we fund this?

No, we wouldn't fund 24 hour 1-to-1 supervision to help make sure Dale doesn't reoffend. The justice system is responsible for funding the management of community supervision orders. This includes supervision for people on community orders.

Why wouldn't we fund this?

To work out whether this support is reasonable and necessary for Dale, we look at the information he has given us against the [NDIS funding criteria](#). Among other things, we need to work out whether the support Dale has asked for is an NDIS support for him, or whether the support is more appropriately funded by, or given through, another service system such as the justice system.

Supports to manage community supervision orders are not an NDIS support. The justice system is responsible for this. This includes supervision for people with disability who are on community supervision orders.

What else do we think about?

The justice system is responsible for linking you to community and mainstream supports that can help you to live in the community. However, we may fund support coordination if you need help connecting to or managing the NDIS supports in your plan if it relates to your disability.

Case Example 1

Ben has a mild intellectual disability. He works in supported employment and is very friendly and social. He's been living with friends in a share house and getting drop-in shared NDIS

support for 4 hours per day. He got involved with some new people who persuaded him to steal things from shops.

Ben was assessed as being able to understand what he had done and was convicted. He applied for parole when he was eligible. The parole board has agreed to parole if Ben moves into accommodation where there are staff always available to monitor him. This is to reduce the chances of him getting involved with his previous crowd and reoffending. Ben asks us for funding for Supported Independent Living (SIL) supports in his next plan.

To work out whether funding for shared supervision is reasonable and necessary, Ben's planner will look at the information he has given us against the [NDIS funding criteria](#). Along with other reasonable and necessary criteria, we think about whether:

- Ben needs SIL supports to manage his disability
- the support is value for money, when comparing the benefits from it, with the cost of other supports
- the request for SIL supports is related to Ben's disability
- 24 hour shared supervision is an NDIS support for Ben, or whether another system, such as the justice system, is responsible for supervision.

In Ben's case, the planner decides:

- Shared SIL support is not reasonable and necessary due to Ben's disability support needs. It's related to Ben's criminal offending and is intended to prevent him reoffending.
- Due to his disability support needs, Ben requires 4 hours of shared NDIS supports per day.
- The supervision Ben needs to prevent him reoffending is not an NDIS support but is the responsibility of another system, such as the justice system.

The planner decides the funding for SIL supports is not reasonable and necessary, and this funding is not approved. However, funding for 4 hours of shared supports is reasonable and necessary. The planner approves this funding in Ben's plan.

Case Example 2

Jane is 30 years old and has mild autism and borderline personality disorder. Jane is homeless and has no informal supports. Jane's family have taken out an intervention order against her. She has repeatedly breached this order and gone to her family home. Jane has been getting case management support from the justice system to coordinate services to reduce her risk of reoffending.

Jane's justice case manager asks us to fund full time 1-to-1 supervision to reduce the risk of Jane breaching the intervention order and returning to her parents' home.

To work out whether funding for the full time 1-to-1 supervision is reasonable and necessary, we'll look at the information Jane's justice case manager has given us against the [NDIS funding criteria](#).

Along with other reasonable and necessary criteria, we'd think about whether:

- Jane needs full time 1-to-1 supervision to manage her disability
- the full time 1-to-1 supervision is related to Jane's disability
- 1-to-1 supervision is an NDIS support for Jane, or if it's appropriately funded or given through another service system such as the justice system.

In Jane's case, the planner decides:

- She doesn't need full time supervision for her disability support needs. The 1-to-1 supervision is related to reducing the risk of Jane breaching the intervention order.
- The supervision is not an NDIS support for her and is appropriately funded by another service system, not by us. Community supervision is the responsibility of the justice system.

The planner decides funding for full time supervision for Jane is not reasonable and necessary, and funding is not approved.

For more information, refer to:

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