

# 10. Rights of the client



What happens if you are not satisfied with your plan? There are three main areas.

The Planning Meeting:

It is important to remind yourself that a planning meeting is for you and your planner to work together to find the best solutions to meet your needs. Both you and the planner have rights and responsibilities. The NDIS code of conduct (July 1st 2018) says that the people who are part of the NDIS code of conduct, including your planner must:

(a) act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions;

(b) respect the privacy of people with disability;

(c) provide supports and services in a safe and competent manner, with care and skill;

(d) act with integrity, honesty and transparency;

(e) promptly take steps to raise and act on concerns about matters that may have impact on the quality and safety of supports and services provided to people with disability;

(f) take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability;

And (g) take all reasonable steps to prevent and respond to sexual misconduct. This includes the right to have information in assessable language

Section 7.1 and 7.2 of the guidelines say that participants are entitled to written and oral versions of their plan in the language of their choice. If you do not have good understanding of written and spoken English, you have the right to have information shared with you in another language of your choice.

The planning process:

This means that you and the planner work together. The planner should listen to you and work with you towards your goals. You and the planner should use this process to make a plan that is individualised to meet your goals and these should be stated in the final plan. So now you have your plan, what if you do not think it reflects your goals and the supports you believe you need to achieve or move towards those goals?

Reviewing your Plan:

You can request a review of the decisions that have been made and which are stated in your plan. There are two different types of review. First you may request an Internal Review. This is when the NDIA provider who made your original plan takes another look at the plan. This is requested by the participant whose plan is being reviewed or their representative for example their parents, a nominated support person or a coordination support service provider. The review is not carried out by the person who originally worked on your plan but by another person not connected with your plan and who works in the same office.

NDIS Act Section 100.2

A request for an internal review does not affect the operation of, or prevent the NDIA from taking action to implement the original reviewable decision. If after an internal review the participant is still not sure the plan matches their goals and the supports they believe they need to meet those goals, then you may request an External Review. This is carried out by the Appeals Administration Tribunal. (Appeals Administration Tribunal Act 1975.)

This kind of review of the original decision, looks at the evidence provided and is considered by a new, independent person.

Judicial Review.

Both these kinds of review are different from a third kind of review which is known as a Judicial Review.

This happens when:

The participant changes their statement of goals and strategies. The participant requests a review of their plan,

the NDIA conducts a review of the participants plan. The review is part of the NDIS plan review cycle. It is important to know that once someone requests a review of their plan their NDIA offices have 14 days to respond to this request. If the NDIA does not respond within the 14 days time period, then an Internal review is begun automatically. Remember the planning process, plan and review is all part of a partnership between you and the NDIA. If you are unsure or not happy with what is happening you have a right to ask

for clarification on any information, decisions or plans you have received. Your plan will also be reviewed each year as part of the planning process.

For more information on reviews and appeals see: NDIS Act 2013 sections 99-103

Appeals and Administration Tribunal Act 1975 sections 25-29, 13, 41.1 and 44) and the Administrative Decisions (Judicial Review) Act 1977