EXTERNAL SERVICE PROVIDERS AND THE NDIS

FACTSHEET FOR PRINCIPALS

Under the National Disability Insurance Scheme (NDIS), specialist disability service providers may seek to support students in schools and during school time. The factsheet supports principals to understand their role and obligations when making decisions regarding access for these providers.

Access to schools by any contractor is at the discretion of the principal.
The principal has discretion to decide whether or not any external service providers can enter the school. Principals are not obliged to either accept or decline such a request. Decisions should be made on a case-by-case basis considering the individual circumstances of the student and the school. Any decision should take into account the educational needs of the student and the school’s duty of care towards all students and staff.

Any request for access to a student by an external provider should come from their parent or carer or with that person’s express consent.

The National Disability Insurance Agency (NDIA) does not dictate how or where services are delivered.
In providing funding to families for specialist disability supports, the National Disability Insurance Agency (NDIA) does not direct who should deliver those supports or where and how they are delivered.

However, the NDIS operational guide specifically states "Any supports funded by the NDIA will recognise the operational requirements and educational objectives of schools and will be coordinated with the relevant school."

NDIS service provision is a contract between the family and the service provider.
The contract for NDIS specialist disability supports will be directly between the student’s family and the individual service provider. The NDIA will not be involved in the service provision. Any negotiation or discussion around where and how support for a student is provided will happen between the student’s family as the purchaser of the support and the service provider.

The provision should align with a student’s reasonable adjustments for learning.
The NDIS will fund specialist disability supports associated with a student’s day-to-day functioning in any setting. These may align with or complement the reasonable adjustments being provided by the school to facilitate the student’s access to education and their Individual Education Plan (IEP).

The NDIS does not change a school’s obligations under the Disability Standards for Education 2005. Schools continue to have an obligation to provide reasonable adjustments to enable students with disability to access their learning. These educational adjustments will not be funded by the NDIS. A request for therapy to occur during school hours or on school premises does not replace the legal obligation on the school to provide reasonable adjustments.
It may be reasonable for a particular therapy or other allied health service to be delivered in school where it directly supports or is part of a student’s learning program and IEP. The Disability Standards require that where it is reasonable for an external support to be provided to complement the provision of a reasonable adjustment it should be facilitated.

Including NDIS in the planning conversation

The planning conversation with parents of students who are receiving an NDIS package of supports is crucial to this consideration. Parents should be encouraged to share those elements of their child’s NDIS plan that might have a relationship with schooling. This might include allied health and other specialist disability supports, or the provision of mobility or communication equipment.

This sharing of information provides an opportunity to consider the ways in which NDIS-funded specialist disability supports can be aligned with the supports being provided by the school. This includes services currently provided by Learning Services Professional Support team. A question that will emerge from this discussion is whether any of the supports funded by the NDIS are best provided at school during school time.

Delivery of therapy services should not impact on a student’s access to the curriculum

An NDIS-funded support delivered in school should support the student’s educational participation, IEP and access to the curriculum.

Principals need to consider:

1. What are the impacts of the student being withdrawn from the classroom to attend therapy? What impact will this have on their access to the curriculum and their educational program?
2. Is the therapy time dependent? Is it a support that needs to occur at a particular time of day?
3. Is provision at school more for the convenience of the provider than of benefit to the student?

Delivery of therapy services should not impact on other students’ access to the curriculum

Principals need to consider the impact of the therapy being provided in the classroom on all students in that class. If the therapy provision is to occur in class principals need to consider the following:

1. What is the potential impact of having additional adults in the classroom environment on students and staff?
2. Is the provision of therapy to one student likely to interfere with the learning of other students in the school?
3. Will allowing additional adults into the classroom interfere with the delivery of curriculum to the other students?

Providers should be supervised

Schools should avoid situations where there is unsupervised access of therapists to individual students. This might involve:

- having the service provided in the classroom
- providing a room in which activity can be observed through a window or is close to the main area of the school
- assigning a staff member to be present during the therapy session.

The provision should not interfere with the ordinary running of the school

It is an underlying principle of the NDIS that it should not unduly interfere with the administration or running of a school for the benefit of all students.

Questions to be considered include:

1. Is the NDIS-funded support able to be delivered in a way that does not interfere with the running of the school?
2. Does the school have a suitable space where the support can be provided? It is important to check that the space is not being used by DoE support team staff.
3. Can the provision be adequately supervised or observed without impacting unduly on school resources?

The principal maintains all duties and responsibilities with respect to external service providers

More information on the requirements for providers and principal responsibilities can be found in the Procedures for Principals Working with External NDIS Providers and Checklist for Principals.
Duty of Care
The principal has primary responsibility for the day-to-day management and control of the school. This includes the actions of any person on school grounds.

All third party providers owe a duty of care towards the students to whom they are giving support. In addition, principals and other school staff maintain their duty of care responsibilities to protect children from harm and cannot delegate this responsibility to the service provider.

When considering whether to allow a third-party provider access to the school, the principal needs to consider whether this access is compatible with their obligations of duty of care.

Work Health and Safety
Principals are responsible for the health and safety of all people coming onto the school site. Principals may conduct a risk assessment and develop a risk management plan before allowing any external providers to provide support on school grounds.

External service providers should have their own insurances and should participate in an induction on their Work Health and Safety responsibilities within the school.

Child Safety
Principals are responsible for the safety and wellbeing of all students at the school.

Service providers seeking access to the school must be able to demonstrate valid Working With Vulnerable People checks.

Any provider working in the school is subject to mandatory reporter legislation. They should have received mandatory child safety/protection training through their employer and demonstrate an understanding of their obligation to report any child safety concerns identified in the course of their work to the principal.

Health and Safety
Principals’ remain responsible for the health and safety of all people on school grounds. The principal must be satisfied that the service provider is aware of workplace health and safety issues before allowing them onto the school grounds. For example, providers working with children need to be able to demonstrate they have undertaken medical training relevant to the therapy being provided for the individual student.

Providers and the school must consider privacy
Where practicable, permission should be sought before providing any personal information on a student to an external provider. Where information is given, providers must be made aware of the need to treat information confidentially.

It is important for providers to keep the school informed about their work in general terms. Schools need to treat any information they receive from service providers in the same way they treat other personal student information.

Providers must maintain their own insurances
While school insurances will cover visitors into the site, it is important to ensure any external service provider has their own insurances. This includes workers compensation insurance for its employees, personal injury insurance if they are a sole provider, professional indemnity insurance and public liability insurance.

Application and Licence Agreement
Once a school Principal has agreed to an external NDIS provider working on a school site, a formal NDIS Parent, External Provider and School Agreement Form must be completed and signed by all parties. A copy of this should be given to all parties and a copy retained on the school site. This document must also be emailed to NDISsupport@education.tas.gov.au.

Providers should be inducted into the school
Prior to coming onto school grounds, providers should be put through an induction which includes:

- general induction to the school site including emergency procedures, sign in/out processes, key staff, first aid arrangements and reporting of injuries or illness

- Code of Conduct. The Principal should provide each external provider and their staff with a copy of the Conduct and Behaviour Standards for External NDIS Providers working in Government Schools

- overview of communication protocols between parties, including the parents/carer of the student and any required written records.