

NDIS Appeals - documents you need to show a support is reasonable and necessary

The National Disability Insurance Agency (NDIA) can only approve funding for supports which meet the criteria in the law. It is therefore important that participants provide documents to the NDIA that demonstrate all the criteria in the law are met for each support they are asking to be included in their NDIS plan.

The legal criteria are in the [NDIS Act](#) and the [NDIS \(Supports for Participants\) Rules](#). The NDIA may also use [Operational Guidelines](#) to help it make decisions about what supports to fund. Sometimes the Guidelines do not match the Act and the Rules, and if that happens, the Act and Rules have priority over the Guidelines.

This fact sheet is for people appealing a decision of the NDIA, but may also be helpful for people preparing for a planning meeting, or plan reassessment. It should be read together with our [Frequently Asked Questions – Reasonable and Necessary Supports](#) fact sheet, which provides more information about the considerations the NDIA will make in assessing a support against the reasonable and necessary support criteria and rules.

What are the criteria to fund supports

The criteria are in section [34 of the NDIS Act](#) and are often called the 'reasonable and necessary' support criteria. A support can only be funded if the NDIA are satisfied all of these criteria are met:

- **Needed because of a qualifying impairment:** The support must be needed because of a qualifying impairment (an impairment which the NDIA has assessed as meeting the disability requirements or early intervention requirements).
- **Support your goals:** The support must help you achieve your goals.
- **Facilitate participation:** The support must help you with activities that facilitate

your social and economic participation.

- **Represent value for money:** The cost of the support must be reasonable, when compared to the benefits achieved and the cost of alternative supports.
- **Effective and beneficial:** The support must be likely to be effective and beneficial for you.
- **Beyond what is reasonable to expect of informal supports:** The support must not be something that could be reasonably expected to be provided by a family member or friend.
- **NDIS Support:** The support must be a NDIS Support and most appropriately funded by the

What documents do I need?

Good documents to give to the NDIA include:

A clear list of the supports you need: Sometimes it is not clear to the planner, reviewer or the Tribunal what supports you need. Before a planning meeting, internal review or at the beginning of a Tribunal appeal, carefully think about the supports you need and the ones that have already been funded. You can use our [template 'table of requested supports'](#) to help you prepare a list of your requested supports, and a list of the documents you have already provided, or intend to provide, to the NDIA for each support.



1. **A Statement of lived experience:** A statement from you which helps to paint the picture for the NDIA about how your disability impacts you, and why you need the supports you are requesting. The more detail and examples you give, the better. You can find our [template 'statement of lived experience' here](#).
2. **Carer Statement:** A statement from people who support you is important, as informal supports are able to talk about the impact the lack of sufficient supports is having both on you and the people who support you. You can find our [template 'carers statement' here](#).
3. **Timetable:** The template statement of lived experience and carer's statement each include a weekly timetable. If support worker hours and/or therapy sessions are in dispute, it can be helpful to prepare a timetable of your week to set out how you intend to use the supports requested. Carers may use this ['Statement for carers – detailed timetable template'](#) to prepare a more detailed timetable which can be important when increased formal support is being requested.
4. **Professional reports:** Requests for supports should be backed-up by recommendations from health professionals, such as allied health therapists. Reports should provide as much detail

possible about the support and how it meets the criteria. For example, if your therapist has been supporting you for some time, they need to demonstrate the benefit of the therapy, why it needs to continue, and at what levels. This is also important for value for money. If there is no measurable benefit between 2 hours of therapy per week and 1 hour per week, the value for money criterion may not be met. However, if there are benefits which cannot be achieved by the lower number of hours, that needs to be articulated and explained. You can find our [template – 'Letter to expert'](#) to request report/s.

Who pays for professional reports and assessments?

You may have funds in your NDIS plan to pay for the assessments and reports you need. Assessments by doctors (e.g. a GP or surgeon) cannot be paid for out of your NDIS funds.

If you do not have funds in your NDIS plan, and you are unable to afford to pay for the reports yourself, you may ask the NDIA to provide financial assistance to help you cover the costs (this is provided for under [section 6 of the NDIS Act](#)). However, the NDIA will generally prefer to pay for reports by their own experts rather than a participant's treating practitioners.

If the NDIA say you can use funds to pay for a report by one of your allied health therapists (e.g. an occupational therapist), we recommend you ask the NDIA to confirm that in writing before you proceed with the report.



Now I have all the information, what next?

You should review your documents to check that, together, they address the legal criteria.

If you or the NDIA identify gaps in your evidence, consider asking the NDIA what further information they think will be helpful, and in particular, ask the NDIA if they want to prepare targeted questions to be addressed in further reports from your practitioners or statements from you and/or your carers.

Once you've gathered all the information you consider demonstrates the legal criteria are met, it can be helpful to provide the NDIA (and Tribunal if you are in an appeal) with an updated table of requested supports that lists all the documents you are relying on.

See our Navigating appeals for Supports fact sheet for more information, including about independent assessments.

Where can I get help with NDIS access?

Ask Izzy

You can find an advocate using Ask Izzy's disability advocacy finder.

 askizzy.org.au

Legal Aid

You can seek advice from a Legal Aid lawyer if you have an appeal at the ART.

 [1300 65 11 88](tel:1300651188)  legalaid.qld.gov.au

Our NDIS service at QAI

Our NDIS Support Service gives advice to people on reviews and appeals of NDIA decisions.

 [1300 130 582](tel:1300130582)  qai@qai.org.au  qai.org.au

This fact sheet has been written by Queensland Advocacy for Inclusion (QAI), an independent, community-based systems and advocacy organisation for people with disability in Queensland.

This publication is for general information only. It must not be relied on as legal advice. You must seek legal advice about your own particular circumstances.