

NDIS/External Providers: Guidelines for Schools

Foreword

The NDIS/External Providers: Guidelines for Schools has been developed by the Catholic Education Commission of Victoria Ltd (CECV) to assist schools when making decisions on access of externally funded health, disability or wellbeing providers delivering services to students in schools, including those students supported by the National Disability Insurance Scheme (NDIS).

Horizons of Hope is the new education framework for the Archdiocese of Melbourne, which supports Catholic school communities to engage in dialogue about the distinctive nature of learning and teaching, leading learning and enhancing Catholic identity in our schools.

It reflects the values of Catholic education across the four dioceses of Victoria with the aim of fostering a sense of community and belonging for all.

Catholic schools are committed to providing equitable access and opportunity for all learners through the implementation of inclusive practices that embrace and celebrate diversity. Foundational to this is the building of genuine and authentic relationships with students, families and communities. Through this, schools not only promote their Catholic identity, but also recognise and support the inherent dignity of each person.

These Guidelines are intended to assist schools when considering requests from external providers for provision of services on the school premises. In addition, there are a range of templates to assist principals with the process. The Guidelines ensure that schools consider not only their legal obligations under the *Disability Discrimination Act 1992* (Cth), Child Safe Standards and Reportable Conduct Scheme, but also their commitments arising from the Catholic education ethos.

I commend this publication to you.

Mr Stephen Elder
Executive Director

Introduction

This document is designed to support principals when making decisions on access of externally funded health, disability or wellbeing providers delivering services to students in schools, including those students supported by the National Disability Insurance Scheme (NDIS).

The NDIS is an Australian Government scheme providing eligible persons with significant and permanent disability (participants) greater choice and control over the delivery of their disability support.

To access the NDIS, a person must have an impairment or condition that is permanent and that stops them from doing everyday things by themselves (a diagnosed significant and permanent disability).

Children under six years of age may be able to access the NDIS through the 'early intervention' criteria, in circumstances where they have a 'developmental delay' that means they usually need more help with self-care, communication, learning or motor skills than another child of the same age.

A school-aged participant develops an NDIS plan with their parents to create a statement setting out the goals they want to achieve by increasing their independence, inclusion, and social and economic participation to live an 'ordinary life'.

If, after consideration of relevant evidence, the National Disability Insurance Agency (NDIA) or the Local Area Coordinator (LAC) determines a particular therapy is a reasonable and necessary support to the student, the NDIS is obliged to fund that support as part of the student's NDIS plan.

A 12-month review with the NDIA planner occurs for most participants, at which time outcomes are measured and any changes, if necessary, are made.

It is important to note that therapies funded by the NDIS are related to the participants' whole-of-life support needs, **not for educational purposes**. The education system remains responsible for therapy for educational attainment; therefore, schools should continue to provide reasonable adjustments and educational therapists from school-employed allied health staff, where appropriate, to provide educational support.

Additional information can be accessed via <https://www.ndis.gov.au>.

Requests for In-school Delivery of Support

A consequence of participants in the NDIS having greater choice and control over how their disability services are delivered is that schools have seen an increase in requests for approval of NDIS-funded support delivered in schools.

While delivery of therapy services in a school is a partnership between the school and parents or guardians, it is the principal's decision whether an externally funded service can be delivered in the school.

If agreed, those providing the externally funded service (providers) need to:

- meet all legal and policy requirements
- enter into a **Clinical Access Arrangement** with the school
- undergo an induction at the school prior to commencing services
- ensure the provided service is delivered in accordance with the school's visitor/contractor arrangements.

Decision Considerations

When managing requests for delivery of externally funded services in schools, the principal needs to consider a number of factors:

- Is this in the best interest of the student who is receiving the service/s?
- How will this impact other students in the school?
- How will this impact the operational requirements of the school?

A request for access must come from the student's parent or carer or, where appropriate, with the student's express consent.

Considerations and access details must be documented to ensure all parties have a clear understanding of their responsibilities.

Providers do not have an automatic right of access even if delivering a service to another student at the school.

Decisions are to be made on a case-by-case basis.

Student access to the curriculum

When a school receives a request for access to a student, the principal will need to consider whether:

- a direct relationship is established to the student's educational program outcome
- the direct service enhances the student's educational program
- there is any impact on the student's engagement and access to the curriculum

- access to the curriculum is improved by allowing therapy to occur during school hours
- there is any impact on staff of an additional adult in the school environment
- there is access to the curriculum for other students
- any disruption or difficulties are experienced by the teacher or other students if the requested therapy occurs in the classroom.

Practical and administrative capacity

Principals will need to consider whether the school has the practical capacity to accommodate the provision of therapy or support to students on school grounds.

This may include:

- physical space available
- increased administration due to allowing a provider on school grounds
- timetabling requirements.

Individual circumstances of the student

A principal should consider all relevant factors including family and social circumstances of the student, and the flexibility of the student's learning program.

Where a student's family circumstance exclude therapy being delivered in another location or outside school hours, a principal should take into account all conditions.

Duty of care

When a request for access to a student is made, principals must carefully consider whether the school can fulfil its duty of care obligations to reduce the risk of any likely harm to the student, including ensuring:

- safe and suitable premises
- adequate supervision of the student, with line of sight to the therapy session or an additional staff member in attendance
- the provider holds a current National Police Certificate and Working with Children Check.

The principal and teachers continue to be responsible for duty of care, regardless of whether supervision has been delegated to another staff member or provider.

Child Safe Standards

The Child Safe Standards require schools to have in place strategies, policies and procedures to ensure the school is a child safe organisation.

When a request for access to a student is made, in keeping with the seven Child Safe Standards, principals should consider:

- ensuring the physical space to be used by the provider is safe for the recipient student
- informing the provider of the school's complete Child Safe Standards, including visitor policy, code of conduct, supervision arrangements and internal reporting
- advising parents of what to do should they have concerns about their child's welfare.

Reportable Conduct Scheme

Providers, as contractors, are included in the Reportable Conduct Scheme.

Principals should bring all allegations that may constitute reportable conduct to the CECV Industrial Relations Unit as soon as possible.

Request for therapy on school grounds after school hours

The duty of care owed by principals and teachers to students outside school supervision hours is limited. Consequently, there is limited requirement for the school to provide supervision for students receiving funded therapy on school grounds after supervision hours. Risk considerations should be discussed with guardians.

Anti-discrimination obligations

In accordance with anti-discrimination obligations, schools are responsible for providing 'reasonable adjustments' for students with disabilities to enable access to their education on the same basis as their peers.

However, external funding for therapy is not funded for educational attainment, but a whole-of-life approach, providing support to participants to live an 'ordinary life'. Consequently, where all 'reasonable adjustments' are in place, principals are unlikely to be in breach of anti-discrimination obligations if they decline a request for NDIS externally funded therapy.

Health and safety

The health and safety of all visitors and contractors on school grounds, including providers, is the responsibility of the principal.

When considering a request for externally funded therapy or support on school grounds, the principal should consider all equipment associated with the provider service and, taking into consideration all staff and students, whether the equipment is practicable on the school site.

The principal will also need to consider whether the area set aside for the provider is appropriate for the size and type of equipment to be used, in so doing ensuring the health and safety of the provider when undertaking the service.

Privacy

Privacy responsibilities should be considered when disclosing information to a provider, and regarding information disclosed to a staff member by a provider.

Information released by a school to a provider should relate only to the services delivered to that student and principals must seek guardian consent. This should list explicitly what information is to be shared and signed by the guardian.

Assistance animals

In Victoria, the *Equal Opportunity Act 2010* nominates the following types of assistance animals:

- guide dogs for the visually impaired
- hearing dogs for the hearing impaired
- assistance dogs for the physically disabled.

Across Australia, the Disability Discrimination Act also recognises these assistance animals, along with other animals trained specifically to help a person with a disability or medical condition.

If the use of an assistance animal is to be considered, the principal must first establish evidence of the relevance of the animal in the student's educational outcome. Documentation should include signed information from the student's treating medical practitioner(s) advising of the student's medical condition with evidence of the assistance provided by the animal.

On receipt of requested information, the principal should then consider, and it is lawful to request:

- evidence the animal is a trained assistance animal accredited with Assistance Dogs International
- evidence the animal is trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place
- an undertaking that a person aged 18 years or over will always accompany the assistance dog when in the school
- veterinary certification of vaccination, worming and the health status of the animal/dog
- an undertaking that the assistance animal will remain under the control of the person or provider on behalf of the recipient student, even if not under the person or provider's direct physical control.

It is not unlawful for the principal to deny access of the assistance animal if the principal reasonably suspects:

- the assistance animal has an infectious disease
- it is necessary to protect public health or the health of other animals
- the evidence requested above has not been provided.

If an assistance animal is to be considered, the school community or class should be notified to ensure other students' allergies are taken into account.

The school must provide a dog with a toileting area and quiet area for rest.

Schools may withdraw access to an approved external provider

If a school concludes the service being delivered is no longer in the student's educational interest, the school may withdraw provider access.

Potential causes for withdrawing access could include:

- the service provided no longer meets the student's educational needs
- there have been inadvertent effects on other students, staff and the overall operation of the school
- high turnover of providers presenting services to students has occurred
- the external provider is not reliable
- the quality of the service provided is no longer suitable
- delivery does not meet the Clinical Access Arrangement
- inappropriate conduct has been displayed by the provider.

Further Information

Australian Association of Social Workers (AASW)

<https://www.aasw.asn.au/>

Australian Health Practitioner Regulation Agency (AHPRA)

<https://www.ahpra.gov.au/>

CECV – Child Safe Standards

<http://www.cecv.catholic.edu.au/Our-Schools/Child-Safety>

CECV – Guidelines on the Engagement of Contractors

<http://www.cecv.catholic.edu.au/getmedia/a099f220-2e9a-4b5a-9147-8f11e49a28d1/Contractor-Guidelines.aspx>

CECV – Reportable Conduct Scheme

<http://www.cecv.catholic.edu.au/Industrial-Relations/Reportable-Conduct>

CECV – Student Services

<http://www.cecv.catholic.edu.au/Our-Schools/Student-Services>

CEVN – NDIS and Personal Care Support in Schools – Fact Sheet

<https://cevn.cecv.catholic.edu.au> / Curriculum & Student Support / Learning Diversity – Student Services / Health Management / Encopresis and Continence Care

Department of Education and Training – Guidelines for the Nationally Consistent Collection of Data on School Students with Disability (NCCD) 2018

<https://www.education.gov.au/what-nationally-consistent-collection-data-school-students-disability>

NDIS – Working with the NDIS

<https://ndis.gov.au/providers/ndis-providers>

Speech Pathology Australia (SPA)

<https://www.speechpathologyaustralia.org.au/>

Request for Access

Process

1. Request for access

When a parent(s) requests in-school delivery of externally funded therapy or support, the following process should be followed:

- i. The **Parent Consent Form (Attachment 1)** is forwarded to the student's parent(s) asking for consent to the request and for provision of the student's health information to the school.
- ii. The **Therapist Information Request Form (Attachment 2)** is forwarded to the nominated externally funded therapist to provide all applicable information about the request.

Please note, most requests by students and their parent(s) for externally funded therapy or support will be services from NDIS registered providers, who must consent to NDIS guidelines, terms of business and background checks. From time to time requests will be made for in-school access by unregistered providers. The principal should consider the heightened risks of unregistered providers when deciding on access.

2. Decision

On receipt of the fully completed and signed **Parent Consent Form** and **Therapist Information Request Form**, together with all requested documentation attached, principals should then consider the information provided under **NDIS/External Providers: Guidelines for Schools, Decision Considerations** to include all components of the request:

- student access to the curriculum
- practical and administrative capacity
- individual circumstances of the student
- duty of care
- Child Safe Standards
- Reportable Conduct Scheme
- request for therapy on school grounds after school hours
- anti-discrimination obligations
- health and safety
- privacy
- assistance animals.

The decision should be made on an individual basis, after considering all applicable factors. To ensure consistency of decision-making, the principal should refer to previous requests for externally funded therapy and how the requests were considered.

3. Notification of the decision

No matter what the decision, the principal must:

- i. record their decision of all considerations and keep a copy of their documented decision on the student's file
- ii. advise the parent(s) and externally funded therapist of their decision in writing, using the **Letter to Parent, Decision (Attachment 3)**.

The letter shows the principal has considered the request in a transparent and measured manner, with reasons for the decision.

Should a parent(s) have any concern or complaint associated with the decision, the principal must respond in a timely manner. It is essential the parent(s) is permitted to reply to the principal's decision. The principal should consider any supplementary information the parent(s) provides.

4. Clinical Access Arrangement

If a principal decides to approve a request for therapy, a **Clinical Access Arrangement** must be put in place with the therapist to lessen any associated risks.

A meeting with the parent(s) and therapist is scheduled to confirm arrangements for the therapy including:

- the student's educational and therapy goals
- the time, frequency and place the therapy will occur
- supervision arrangements
- notice of change of arrangements (e.g. if the therapist is delayed or the student is absent, what is the notification arrangement?)
- the therapist and principal agreeing to and signing the **Clinical Access Arrangement**
- the therapist and principal signing the **Information Sharing Agreement**.

Two copies of the **Clinical Access Arrangement** and **Information Sharing Agreement** are signed. One copy is provided to the therapist.

A signed copy of the **Clinical Access Arrangement** is placed on the student's file, along with signed copies of the **Parent Consent Form** and **Therapist Information Request Form**, the principal's record of decision and a copy of the completed and signed **Letter to Parent, Decision**.

The meeting must be minuted, with minutes kept on the student's file.

An NDIS funded therapist attending meetings at the school should be funded from the student's NDIS plan.

School-based therapists and relevant CECV staff should be advised of services being delivered by an externally funded therapist to ensure coordinated participation in the student's school life.

Clinical Access Arrangement

Agreed Arrangements

I, [*principal's name or name of person nominated by the principal*], on behalf of [*name of school*], grant [*therapist name/company name/incorporated association*] access to school grounds for the sole purpose of providing [*type of*] therapy for [*student's name*] on the provision of all requested information and agreement with the conditions set out below.

Variations to this arrangement can only be made by the principal or a staff member nominated by the principal. A request for variation to this arrangement must be made in writing, with reasons for the variation. Any request for variation to this arrangement will be assessed individually, according to Catholic education external therapy access arrangements.

This arrangement can be cancelled at any time should the therapy no longer be in the educational interest of [*name of student*], or no longer in the best interest of other students, staff or the overall operation of the school.

This arrangement can also be cancelled at any time at the request of [*student's name*]'s parent(s) or guardian(s).

This arrangement is only valid when all points of the document are completed and initialled by the principal or a staff member nominated by the principal, and signed by the principal and [*therapist name/company name/incorporated association*].

1.	Name and address of school		
2.	Name of student Year level Teacher		
3.	Therapy goals	<i>Detail relationship of therapy to educational outcomes.</i>	
4.	Name of therapist Business name Address ABN Contact details	<i>Although provided in the Therapist Information Request Form (Attachment 2), details must also be included in this document.</i>	
5.	Therapy type		
6.	NDIS registered	<i>Details of NDIS registration and therapy type. It must be recorded if the therapist is not NDIS registered.</i>	
7.	Working with Children Check National Police Certificate	<i>Date certified copy provided. Date certified copy provided.</i>	
8.	Insurances: <ul style="list-style-type: none"> • public liability • professional indemnity • workers compensation 	<i>Date information provided. Date information provided. Date information provided.</i>	

9.	Professional body registration/association	<i>Although included on the Therapist Information Request Form, details must also be included in this document.</i>	
10.	Commencement date	<i>Term dates, if therapy is to extend for a full school year.</i>	
11.	Finish date	<i>Final day of agreement.</i>	
12.	Therapy location	<i>If a classroom, include building and room number or detail location other than the classroom.</i>	
13.	Access days	<i>Day of the week, times per week or month.</i>	
14.	Time of access and duration of therapy	<i>For example, 2 pm to 3 pm.</i>	
15.	Special conditions	<i>Can include details of confidentiality agreement, care during outside school supervision times, parental pick-up times, individual needs of the student such as special needs or assistance required to attend therapy session. Include notice of change of arrangements (e.g. who notifies if delayed/absent).</i>	
16.	Instructions or information provided to therapist on: <ul style="list-style-type: none"> • Child Safe Standards • visitor policy • code of conduct • internal reporting • OHS policy & reporting • induction • traffic management • permitted areas 	<i>Discussion dates and details of all documented information provided.</i>	
17.	Supervision arrangements	<i>**This arrangement is invalid until details of supervision are included.</i>	
18.	Parent Consent Form	<i>Name of parent(s) signing and date of receipt.</i>	
19.	Therapist Information Request Form	<i>Name of therapist/company name/incorporated association signing and date of receipt.</i>	
20.	Assistance animals: <ul style="list-style-type: none"> • evidence of accreditation with Assistance Dogs International • evidence training meets public place hygiene and behaviour standards • undertaking adult escort will accompany the dog when in the school • veterinary verification of current vaccinations, worming and health status of the dog 		

This arrangement is valid only on the inclusion and completion of the Information Sharing Agreement set out below.

I agree to the conditions and requirements of this Clinical Access Arrangement:

Signed Therapist Date

Signed Principal Date

Information Sharing Agreement

The Information Sharing Agreement is an agreement between the principal or person nominated by the principal and the therapist, company or incorporated association requesting access to provide [student's name]'s relevant information.

Student information can include any information the principal requests, at any time outside the time(s) set out below, and information on [student's name]'s disability and associated needs.

I, [therapist name/company name/incorporated association], agree to providing information at any time on the principal's request and on the following basis:

Communication process	Frequency <i>After each session, daily, weekly or monthly.</i>
Speaking with [principal or staff member nominated by the principal]	<i>Nominate meeting dates, times and where meetings are to be held.</i>
Providing a written summary via email to [principal or staff member nominated by the principal] Email address:	
Other	

I agree, if requested by the principal, to attend any meetings related to the student.

I agree to immediately notify the principal of the student's behaviour should it pose a risk to the student or others. This could include concerns regarding the student's:

- aggressive or violent behaviour
- general wellbeing
- emotional or self-harm issues
- bullying, assault or age inappropriate sexualised behaviours (whether as a victim or perpetrator).

Signed Therapist Date

Signed Principal Date

Attachment 1: Parent Consent Form

This **Parent Consent Form** acknowledges you provide authorisation for the externally funded therapist nominated on this form to:

- i. share vital and appropriate information about the student with the school
- ii. provide support or therapy to the student on school premises, if the principal agrees.

When collecting and managing personal and health information about students and their families, the school must comply with Victorian privacy laws. The school only collects and shares information as set out in its privacy policy, which can be found at: [*insert school website*]. The school requires the externally funded therapist to share vital and appropriate information about the student to best educate the student and meet legal obligations.

The externally funded therapist must provide the principal with the following:

- i. information on the student's disability and their needs (at times nominated by the principal, i.e. weekly or monthly)
- ii. information on probable risks to the student or any other person (for example, violent behaviour, self-harm or assault).

The information will only be shared by the principal with other staff to educate and assist the student or meet legal obligations. The school's privacy policy can assist you with information held about the student or you can contact the principal.

I confirm I have read this consent form and:

- request the provision of externally funded therapy to my child (details below) at school
- understand that, if the principal agrees to the request, the externally funded therapist must share information with the school about my child
- acknowledge I can contact the school at any time if I wish to withdraw my consent for the externally funded therapist.

To be completed by the parent(s)

Student details		School details	
Student name:		School name:	
Date of birth:		Year level, teacher:	
Therapist details			
Company name:		Address:	
Therapist name:		Mobile telephone:	
Occupation:			
Parent, guardian, carer or mature minor consent			
Name:		Student relationship:	
Contact telephone:		Email address:	
Signed:		Date:	

This form can be signed by:

- a person with parental responsibility for 'major long-term issues' as defined in the *Family Law Act 1975* (Cth)
- a person authorised to make health decisions for the student under the *Children, Youth and Families Act 2005* (Vic.)
- an adult student
- a carer
- a mature minor, if the principal has determined the student is a mature minor for the purpose of making this decision.

Attachment 2: Therapist Information Request Form

This form must be completed by the externally funded therapist for authorisation to provide therapy in school or on school grounds.

The school is committed to students and their parent(s) exercising choice and management in relation to externally funded therapy or support, where it is practical to do so.

The principal must consider several relevant elements when determining whether it is possible for the school to agree to externally funded therapy in school.

The decision process can include:

- student access to the curriculum
- individual student circumstances
- the school's practical and administrative capacity
- the school's duty of care.

For the principal to determine such a request, the externally funded therapist and parent(s) making the request for access to the school are required to meet the following obligations:

- The student's parent(s) must complete and sign the **Parent Consent Form (Attachment 1)**.
- The externally funded therapist must complete and sign this **Therapist Information Request Form (Attachment 2)**.
- The signed forms, together with the documents requested and any other documents relevant to assist the decision-making, must be supplied to the principal.

No request will be considered by the principal until receipt of the completed **Therapist Information Request Form** and **Parent Consent Form**.

Once all information is received, the principal will decide and respond to the request in a timely manner.

Any queries should be directed to the principal.

To be completed by the externally funded therapist

Student details	
Name of student:	
Teacher and year level:	
Are there any family, social or practical conditions related to the request?	

Therapist details	
Name of therapist:	
Company name and address:	
Company telephone and email:	
Therapist mobile:	
Therapist email:	
Therapist qualifications:	
Therapist professional registration details:	
Is the therapist an NDIS registered practitioner?	
Proposed therapy details	
Purpose of proposed therapy:	
Will therapy be conducted in the classroom? If not, what classes will the student miss?	
Proposed location of therapy:	
Proposed day/time therapy will be provided:	
Proposed therapy duration and frequency:	
What are the proposed goals and advantages of the therapy being provided at school/during school time?	
Is the therapy a medical assistance that must take place at set intervals/times daily?	
Documentation	
Certified copies of therapist's current: <ul style="list-style-type: none"> Working with Children Check National Police Certificate 	<i>Therapist to sign certified copies are attached.</i>
Certified copies of therapist's/company's: <ul style="list-style-type: none"> public liability insurance professional indemnity insurance workers compensation 	<i>Therapist/company to sign certified copies are attached.</i>

Therapist acknowledgement	
I,, accept and agree that if the request for access is permitted for externally funded therapy on school grounds: <ul style="list-style-type: none">• I, or my company/incorporated association of which I am an employee, must enter into a Clinical Access Arrangement with the principal which sets out the general and special arrangements and requirements of my use of the school premises• I, with the consent of the student's parent(s), must sign an Information Sharing Agreement which requires me to share relevant student information with the school.	Signed Date

Attachment 3: Letter to Parent, Decision

Dear [parent, guardian, carer]

Thank you for requesting externally funded therapy for [insert student's name] to be provided on school grounds, as well as the information included by you and [insert therapist's name] to assist in the decision-making process.

[insert therapist's name] has proposed [insert service type] therapy at school on a [insert frequency] basis.

My response to the request is based on many factors, while ensuring the school's duty of care to all students, staff and visitors.

Some of the deliberations applicable to my decision are:

- the direct relationship to the student's educational outcome
- the impact on the student's access and engagement to the curriculum
- the benefits of the therapy compared to the likelihood of disruption or difficulties in the classroom to the teacher and other students
- Child Safe Standards
- whether the requested therapy is accessible outside the school
- any increase in administration for the school
- any family, social or practical conditions related to the request.

The decision also considers the therapist's Working with Children Check and professional registrations.

While undertaking to support students and the request for externally funded therapy, I am always mindful the main purpose of schooling is the delivery of education programs during school times.

After considering all appropriate matters and all information provided, my decision is to [grant/not grant] the request for the following reasons:

- [reason for decision based on decision considerations]
- [reason for decision based on decision considerations].

The decision does not affect any school support provided to [insert student's name] to access [his/her] education.

[If the request is granted]

I would like to meet with you and [insert therapist's name] on [insert day and date] at [insert time] to discuss completion of the Clinical Access Arrangement and Information Sharing Agreement required to provide externally funded therapy at school.

The Clinical Access Arrangement covers practical points, while the Information Sharing Agreement sets out when and what information will be shared between [insert therapist's name] and the school.

The details of the access arrangements and shared information will be confirmed at this meeting.

Please do not hesitate to contact me should you have any queries.

Yours sincerely,

[insert principal's name]

Cc [insert therapist's name and address]

Attach a copy of the Clinical Access Arrangement and Information Sharing Agreement to both letters.

[If the therapy is granted and to occur outside school supervision hours, include the following paragraph]

While agreeing to the request for externally funded therapy on school grounds outside supervision hours, it is vital you fully recognise the therapy is not managed by the school and is in no way considered a school activity. The school and school staff are not responsible for the supervision of [insert student's name] when attending therapy.