



NDIS provider access to Queensland state schools

This factsheet provides important information for school principals when considering requests from parents for providers they engage (NDIS providers) to deliver supports under National Disability Insurance Scheme Participant Plans (NDIS Plans) at state schools, during school time.

Steps before access can occur

The steps to be taken before access can occur are set out in the procedure as follows:

Key information

- NDIS supports do not replace supports provided by state schools to enable students with disability to access and participate in education.
- NDIS providers do not have an automatic right to access schools.
- School principals will consider parent requests for NDIS providers to deliver supports under NDIS Plans at school, during school time on a case-by-case basis taking into account:
 - their non-delegable duty of care to the safety and wellbeing of all students and their privacy
 - the impact on the student's learning
 - the benefit to the student
 - the impact on other students and their learning
 - workplace health and safety
 - the good management and running of the school.

1. Parent/s make a request in writing.
2. The principal considers the request and may seek further information from the parent.
3. The principal advises the parent/s of their decision.
4. School enters into an Access Agreement with the child's parent/s and NDIS provider that sets out the arrangements for the NDIS support to be delivered at school, during school time.
5. The NDIS provider completes mandatory training, including any training required by the principal, and provides required supporting documentation.

1. Parent makes the request

A parent, who has parental responsibility for a student, must make a written request that an NDIS provider deliver an NDIS support at school, during school time. This can be done in writing or via email.

The parent factsheet sets out the information a parent needs to include in their request. An access request form has also been developed to assist parents with this process.

Parents may need to obtain information from NDIS providers to finalise their request.

2. Seek further information from the parent

Further information may be needed to enable the principal to make a decision. The principal, or a staff member nominated by the principal, may seek further information by telephone, email or at a face to face meeting with the student's parent/s.

3. Consider the request

When considering requests from parent/s for an NDIS provider to deliver supports under an NDIS Plan at school, during school time, the principal must take into account:

1. the principal's non-delegable duty of care to the safety and wellbeing of all students and privacy
2. the impact on the student's learning of providing the support at school, during school time
3. the benefit to the student receiving the NDIS support at school, during school time
4. the impact on other students and their learning
5. workplace health and safety
6. the good management and running of the school.

Principals may nominate a member of the school team to manage the parent/s' requests such as meeting with parent/s regarding their request and liaising with the NDIS provider to obtain information and organise training.

However, principals are responsible for making the final decision regarding the parent's request and for terminating access.

Principals must consider each request separately, even if the NDIS provider is already delivering a support to another student at the school, or is engaged by the school or department to deliver another service.

Access is not to be conditional or terminated on the basis that the parent or NDIS provider has not shared information about the student's NDIS Plan, other than the NDIS support being provided at school, during school time.

When considering the request principals can take into account a wide range of issues as outlined below.

The principal's non-delegable duty of care to the safety and wellbeing of all students and privacy

This refers to the risk to the safety and wellbeing of all students at the school. Considerations include confirming that:

- the NDIS provider has met mandatory Working with Children Checks requirements
- the NDIS provider has undertaken mandatory training
- support can be provided in a space that is accessible and enables school staff to observe the NDIS provider's interactions with the student.

The impact on the student's learning of providing the support at school, during school time

This refers to the impact on the student's learning if delivering the NDIS support results in the student being removed from the classroom or not participating in school activities and events. Considerations include:

- how often the support would be provided during school time
- time taken to provide the NDIS support during school time.

The benefit to the student receiving the NDIS support at school, during school time

Considerations include:

- whether not allowing the NDIS provider to deliver the support at school, during school time will result in the student not receiving the NDIS support. If there are limited opportunities for the NDIS support to be provided outside of school, for example in rural and remote communities
- whether providing the NDIS support at school is for the convenience of the parent or the NDIS provider and other arrangements could be made.

The impact on other students and their learning

Considerations include:

- any potential disruption in classrooms and other learning environments
- the level of adjustments, if any, that need to be made to the educational program to reduce disruption to other students' learning.

Workplace health and safety

Consider whether enabling NDIS provider access to school, during school time poses an unreasonable risk to workplace health and safety of all at the school.

The good management and running of the school

Considerations include:

- whether the school has a suitable space where the support can be provided
- whether NDIS provider access will result in unreasonable workloads for staff
- the ability of the school to operate and continue educational programs of all students
- whether the NDIS provider access to the school or another school has been terminated and on what grounds
- the school's capacity to manage the NDIS provider's access, including situations where multiple NDIS providers are accessing the school.

4. Advise the parent

The school principal, or a member of the school team nominated by the principal, must advise the parent in writing about their decision. The parent should be provided with reasons if the principal decides not to allow access.

5. Enter into the Access Agreement

The Access Agreement sets out the responsibilities of the school, parent and NDIS provider to enable NDIS supports to be delivered at school, during school time.

Before signing the Access Agreement, the NDIS provider must provide the following information to the school:

- the names of NDIS provider staff who will be providing the NDIS support at school, during school time and certified copies for each of their:
 - current Working with Children (Blue Card) clearance details
 - current Photo identification, such as a valid Driver Licence or Adult proof of age card.
 - First Aid certificate, CPR certificate, ASCIA anaphylaxis training certificate if required.
- certified copies of certificates of the following current insurances:
 - workers' compensation insurance (or personal injury insurance in the case of sole traders undertaking the work themselves)
 - professional indemnity insurance for not less than \$2 million per claim
 - public liability insurance for not less than \$20 million per claim.
- details of any proposed use of school equipment or materials and a decision about fees and charges.

6. Ensure NDIS provider staff undertake mandatory training before commencing at the school

The school principal, or a member of the school team nominated by the principal, must advise the NDIS provider of the need to undertake the following training:

- the department's Mandatory All-Staff Training (MAST) program: key messages guide for contractors, volunteers and visitors within the last 12 months
- school based induction (particular to that school)
- any additional child protection training or other training as required by the school principal, such as health training based on the student's specific health care needs (for example First Aid, CPR, ASCIA anaphylaxis training).
- The school principal, or a member of the school team nominated by the principal, must provide the NDIS provider with school-based induction and access to other required training.

Responsibilities during access

Schools, parents and NDIS providers all have ongoing responsibilities while access is occurring. These include child protection, Code of Conduct, information storage and privacy, workplace health and safety, and communication.

Child protection

Each time an NDIS provider staff member attends the school to deliver the NDIS support, school staff must sight, for that NDIS provider staff member:

- current Working with Children (Blue Card) clearance details
- current photo identification, such as a valid Driver licence or Adult proof of age card.

The principal, or a member of the school team nominated by the principal, must ensure the NDIS support is provided in an area where school staff can observe the interactions between the NDIS provider and the student, enabling the school

to meet its duty of care and child protection obligations to students.

Like all other visitors to state schools, NDIS providers must discuss with the principal any suspicions of harm or risk of harm to a student, or risk of harm to an unborn child. If the suspicions relate to the principal, the provider should discuss the concerns with the regional director of the respective Department of Education region.

Code of Conduct

NDIS providers are subject to the same code of conduct and complaints processes and requirements as school staff when they are at the school. NDIS provider staff must comply with the [Code of Conduct for the Queensland Public Service](#) and the department's [Standard of Practice](#) as a condition of the Access Agreement. This is in addition to NDIS providers with requirements under their relevant professional standards.

Information storage and privacy

Information received by the school relating to the access request, including evidence of training undertaken by the NDIS provider and worker clearances, and the Access Agreement, will be stored securely in OneSchool.

Principals and schools have obligations to protect the privacy of all students. These obligations apply in a wide range of situations including when NDIS providers seek information from schools. Schools should only disclose information to an NDIS provider that is directly related to NDIS support being delivered to that student and with the consent of the parent.

After the parent has provided consent, the provider may share with the school information (such as progress reports) that is relevant to the learning of the student receiving NDIS support. Privacy obligations also apply to information shared with school staff by an NDIS provider.

Workplace health and safety

Principals remain responsible for the health and safety of all people on school grounds. To meet their workplace health and safety obligations, the NDIS providers must follow all directions given by the principal or school staff.

Communication

The main point of liaison between the school and the NDIS provider will be the student's parent. The parent is responsible for:

- letting the NDIS provider know that the school has agreed to enable them to provide the NDIS support at school, during school time. This information will be included in the Access Agreement with the school
- informing the NDIS provider as soon as possible if the student is absent from school on a day on which the provider is scheduled to come to the school
- telling the NDIS provider if other activities at school mean that support cannot be delivered. For example, when sports carnivals, excursions, or special events or assemblies are scheduled
- informing the school if they stop using the support or change NDIS providers
- sharing any information with the school including any progress information from the provider which the parent thinks may be relevant to the student's learning and support needs and/or providing consent to the provider to share the information on their behalf.

Terminating access

There may be times when a decision to terminate access arrangements needs to be made.

Principals may terminate access in circumstances outlined in the Access Agreement. The principal should inform, and discuss the matter with the student's parent/s prior to making a decision to end provider access.

Principals may consider withdrawing access approval in the following circumstances:

- non-compliance with the Access Agreement
- providing the support at school, during school time is having an adverse impact on the learning of the student receiving the support and/or other students
- unforeseen disruption to the delivery of education program to other students, or impact on staff and the general running of the school
- high turnover of NDIS providers or their staff delivering a support to a student resulting in unreliable service provision or administrative burden on the school
- significant concerns about the safety and wellbeing of the student receiving the support or other students at the school
- inappropriate conduct by the NDIS provider or their staff including a breach of the Code of Conduct, child protection concerns, privacy concerns or workplace, health and safety issues
- any other circumstance that the principal considers appropriate.

Concerns about quality of supports or other conduct

School principals are not responsible for assessing or monitoring the quality of the NDIS supports being provided. However, if there are concerns these should be discussed with the parent.

It may also be appropriate to raise any concerns with the [National Disability Insurance Agency \(NDIA\)](#) or the [NDIS Quality and Safeguards Commission](#) when it commences at full scheme (1 July 2019 in Queensland).

Complaints

Parents who are not satisfied with a decision to refuse access or to terminate an access agreement have the right to make a complaint in line with the department's Customer complaints management procedure.

More information

Code of Conduct for the Queensland Public Service:

<https://www.forgov.qld.gov.au/code-conduct-queensland-public-service>

Standard of Practice:

<https://qed.qld.gov.au/working-with-us/induction/departments/induction-programs-and-resources/code-of-conduct>

National Disability Insurance Agency (NDIA):

<https://www.ndis.gov.au/contact/feedback-and-complaints>

NDIS Quality and Safeguards Commission:

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