



National Disability Insurance Scheme (NDIS) provider access to state schools policy

Version: 1.3 | Version effective: 03/06/2022

Audience

All state schools

Purpose

This policy outlines how principals will consider and make decisions about parent requests for NDIS providers to deliver supports, including Continuous Invasive Ventilation, under a NDIS Participant Plan (NDIS plan) at school during school time, including decisions to grant or terminate access.

Policy statement

The department is committed to improving outcomes for students with disability by delivering high-quality education supported by reasonable educational adjustments. This supports the department's commitment under the [Human Rights Act 2019 \(Qld\)](#), clause 36, Right to education, and in the case of Continuous Invasive Ventilation clause s16, Right to life due to the nature of the support.

The department recognises that NDIS supports may contribute to improving a student's ability to access and participate in education and achieve. The NDIS funds supports for eligible students through NDIS plans, which are focused on supporting children and young people in their daily living.

In Queensland, these supports are not provided for educational purposes and do not include supports, such as therapy or specialist health supports, which are provided by schools as reasonable educational adjustments necessary to enable students to access and participate in education.

Parents may request that NDIS providers, either engaged by them or NDIS plan managers, deliver supports included in NDIS plans at school, during school time. In exceptional circumstances, schools may also need to consider requests for NDIS providers to deliver other supports, such as specialised clinical supports, at school, during school time, due to safety and wellbeing considerations for a student.

NDIS providers do not have an automatic right to access schools to deliver NDIS supports. However, the department recognises that there may be times when it is appropriate to enable NDIS providers to deliver NDIS supports at school, during school time.

Principals will consider requests from parents for NDIS providers to access schools to deliver NDIS supports and Continuous Invasive Ventilation, at school, during school time on a case-by-case basis.

Students may have an NDIS plan which includes Continuous Invasive Ventilation as the support required continuously throughout the day. To provide continuity of care, when this support is provided by NDIS providers at home, it may be appropriate for this support to be delivered by the same NDIS provider at school, during school time, provided the NDIS provider meets the requirements of this policy and the [National Disability insurance Scheme – Continuous Invasive Ventilation support at school procedure](#).

A principal may also suspend or terminate NDIS provider access to their school. For students receiving Continuous Invasive Ventilation supports from an NDIS provider, student safety and wellbeing is the primary consideration in deciding whether access will be terminated.

This policy does not cover allowing third party providers, including NDIS providers, to observe a student in classrooms. It also does not affect access by providers engaged by schools or the department to provide services or programs at schools.

Principles

Principle	What this means for the department
Student focus	<ul style="list-style-type: none"> All students have the right to attend school and be safe at school. The safety and wellbeing of all students will be considered in all aspects of decisions to allow and terminate access to the state school. In the case of a student receiving Continuous Invasive Ventilation supports delivered by NDIS providers at school during school time, the safety and wellbeing of the student will be the primary consideration. The impact of allowing or continuing to allow access on the student receiving the support and others at the school, will be considered at all times.
Responsiveness	<ul style="list-style-type: none"> Access requests are acknowledged and responded to fairly, reasonably and in a timely manner. Parents will be supported to make access requests. Principals will advise parents of their decision within a reasonable timeframe.
Objectivity	<ul style="list-style-type: none"> Access requests will be considered in a fair, objective and unbiased manner.
Privacy and confidentiality	<ul style="list-style-type: none"> The privacy and confidentiality of student, parents and school staff information will be maintained at all times.

Requirements

Considering parent access requests

Principals must consider written requests from parents that an NDIS provider delivers a support, which may be under an NDIS plan at school, during school time, on a case-by-case basis taking into account:

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

The principal needs to consider whether the:

- NDIS provider meets mandatory [Working with children authority](#) requirements
- NDIS support can be provided, if appropriate, in a space that is accessible, while maintaining privacy/dignity of a student and enables school staff to observe the NDIS provider's interactions with the student
- NDIS provider has undertaken mandatory departmental training and training as required by the principal, such as first aid training, CPR and anaphylaxis training
- For Continuous Invasive Ventilation, the NDIS provider is a registered NDIS provider and holds all necessary qualifications and approvals to undertake the activities required to deliver the NDIS supports, and has satisfactorily completed all necessary training provided by Children's Health Queensland Hospital and Health Service.
- The principal must also consider:
 - the impact of providing the NDIS support (not related to Continuous Invasive Ventilation) at school, during school time on the student's learning; and
 - transport arrangements for students with Continuous Invasive Ventilation and school's duty of care obligations.

If delivering the NDIS support results in the student being removed from the classroom or not participating in school activities and events, considerations include:

- the frequency of the support being provided during school time
- the time taken to provide the NDIS support during school time.

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

The principal needs to consider whether not allowing access will result in the student not receiving the NDIS support. Considerations include:

- if there are limited opportunities for the NDIS support to be provided outside of school, for example in rural and remote communities
- if providing the NDIS support at school is for the convenience of the parent or the NDIS provider and other arrangements could be made
- if Continuous Invasive Ventilation is not provided at school by the NDIS provider, the student will not be able to attend school safely.

3. The impact on other students and their learning

The principal needs to consider impacts on other students at the school and to what extent any impacts can be reduced. 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.

4. Workplace health and safety

The principal must ensure that enabling NDIS provider access to the school, during school time will not pose an unreasonable risk to workplace, health and safety.

In the case where an NDIS provider will deliver Continuous Invasive Ventilation to the student at the school, a risk assessment plan may need to be in place before the principal makes a decision whether or not to grant access to the NDIS provider to deliver the NDIS support at school, during school time.

5. The good management and running of the school

The NDIS support needs to be delivered in a way that does not interfere with the running of the school. Considerations for the principal include:

- the school has a suitable space where the support can be provided
- NDIS provider access does not result in unreasonable workloads for school staff. This will include a clear plan of roles and responsibilities of the NDIS providers and the school staff when Continuous Invasive Ventilation is the subject of an NDIS access request.
- the ability of the school to operate and continue educational programs of all students
- the school's capacity to manage the NDIS provider's access, including situations where multiple NDIS providers are accessing the school.

Access is not to be conditional on the parent or NDIS provider sharing information about the student's NDIS plan, other than information about the NDIS support being provided at school, during school time. An exception is the delivery of support in relation to Continuous Invasive Ventilation, where information must be provided as outlined in the [National Disability Insurance Scheme – Continuous Invasive Ventilation support at school procedure](#) for the support to be delivered safely. If information is not provided, there may be delays in reaching agreement for the safe delivery of this support at school, during school time.

Terminating and suspending access

The principal may terminate an NDIS provider's access to the school in the one or more of the following circumstances:

- non-compliance with the access agreement by the parent or NDIS provider
- 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 personnel 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. This includes if the school holds reasonable/significant concerns that the Continuous Invasive Ventilation support is not being delivered safely
- inappropriate conduct by the NDIS provider or their personnel 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

The principal may suspend an NDIS provider's access to the school if there is:

- a change in the needs of the student requiring temporary suspension of the access agreement for Continuous Invasive Ventilation, for example, the need to update or review the NDIS delivered continuous invasive ventilation support and emergency plan or time needed to complete any additional or new training requirements. These situations mean that the support cannot be delivered safely unless the plan and any other related plans have been updated, finalised and agreed, and the relevant training if required has been completed.
- Additional time required as determined by the principal to complete other requirements that impact on the student's safety or the health and safety of other students and staff in the school.

Definitions

Term	Definition
Access agreement	The agreement between school, parent and the NDIS provider outlining conditions of the access to provide NDIS funded support at school during school time.
Access agreement (Continuous Invasive Ventilation)	The agreement between school, parent and the NDIS provider outlining conditions of the access to provide Continuous Invasive Ventilation at school during school time. <i>Note: For students receiving Continuous Invasive Ventilation, one access agreement will cover all Continuous Invasive Ventilation related supports to be delivered at school during school time. Where other NDIS funded supports may be requested to be delivered at school, a separate access agreement not related to Continuous Invasive Ventilation may be required.</i>
Access request	A written request from a parent for NDIS providers to access schools to deliver NDIS supports at school, during school time.
Continuous Invasive Ventilation	When a student requires continuous ventilation using a mechanical ventilator. The ventilation is provided through a tube attached to a student's tracheostomy.

Term	Definition
National Disability Insurance Scheme (NDIS)	A national scheme, which funds eligible people with permanent disability to access supports for their daily living and enables them to exercise choice and control by engaging NDIS providers of their choice.
NDIS participant	A person who meets the NDIS access requirements in order to participate in the scheme.
NDIS Participant Plan / NDIS plan	A written agreement between the NDIS participant and the National Disability Insurance Agency setting out the reasonable and necessary support the NDIS will fund.
NDIS plan manager	An organisation or person engaged by the student's parent or the National Disability Insurance Agency to coordinate NDIS Participant Plan supports and engage NDIS providers to deliver those supports.
NDIS provider	An organisation or individual engaged by parents or NDIS plan managers to deliver supports funded by the NDIS and included in NDIS Participant Plans.
NDIS supports	Supports funded by the NDIS and included in NDIS Participant Plans. Supports do not include those provided by schools as a reasonable educational adjustment to enable students to access and participate in education.
Parent	Refer to s.10 of the Education (General Provisions) Act 2006 (Qld) for the meaning of parent.
Principal	The principal or officer in charge of a state educational institution.
School time	The daily hours during which school operates. In Queensland, most schools hold classes from 9 am to 3 pm Monday to Friday, except for public and school holidays and student-free days. Principals may change school hours to suit local arrangements.

Legislation

- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Disability Discrimination Act 1992 \(Cwlth\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [National Disability Insurance Scheme Act 2013 \(Cwlth\)](#)
- [Public Records Act 2002 \(Qld\)](#)
- [Public Service Act 2008 \(Qld\)](#)

- [Work Health and Safety Act 2011 \(Qld\)](#)

Delegations/Authorisations

- Nil

Policies and procedures in this group

- [National Disability Insurance Scheme \(NDIS\) provider access to state schools procedure](#)
- [National Disability Insurance Scheme \(NDIS\) – Continuous Invasive Ventilation support at school procedure](#)

Supporting information for this policy

- Nil

Other resources

- [Code of Conduct for the Queensland Public Service](#)
- [Department of Education – Standard of Practice](#)
- [Equipment management for schools procedure](#)
- [Fact sheet for parents – NDIS provider access to Queensland state schools](#)
- [Fact sheet for principals – NDIS provider access to Queensland state schools](#)
- [Fact sheet for NDIS providers – NDIS provider access to Queensland state schools](#)
- [Information privacy and right to information procedure](#)
- [Induction and mandatory training](#)
- [Managing students' health support needs at school procedure](#)
- [Student protection procedure](#)
- [Student protection training](#) (DoE employees only)
- [Management and completion of mandatory all-staff training program procedure](#)
- [Working with children authority procedure](#)
- [Workplace health and safety: Visitors on education sites](#)

Contact

For any queries State Schools – Disability and Inclusion can be contacted at:

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Superseded versions

Previous seven years shown. Minor version updates not included.

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