

## QUICK GUIDE

# How to navigate the Unscheduled NDIS Plan Review

...and get your next plan right

## So, you're not happy with your plan?

When you are not happy with an NDIS funding decision or when your life's circumstances have changed in a big way, you can ask the National Disability Insurance Agency (NDIA) for a review of your plan outside the regular schedule.

There are several reasons that would justify such an '**unscheduled plan review**', which is also known as **participant requested review** in NDIS terminology.

### Common scenarios for an unscheduled plan review:

- Your health has suddenly deteriorated or you were diagnosed with an additional condition;
- Your living arrangements have suddenly changed, for example, due to the death of an informal carer;
- Your plan seems to have obvious flaws, for example, when an important funding category is entirely missing.

# Unscheduled Plan Review – the basics:

Have a look at these basic rules of thumb before you request an unscheduled plan review to make sure you fully understand the process – and get it right.

## The NDIS needs evidence.

Remember the NDIS is an evidence-based system.

Whatever your reason to ask for a plan review — whether a participant’s circumstances have changed or you want to highlight a potential process error — the NDIS will want to see evidence.

This means you must provide relevant documents, such as doctor’s certificates or therapeutic assessments, to back up your request for a plan review. Without any additional information to the one it already had when it first drafted your plan, the agency will unlikely approve a review.

## Your situation should have changed beyond financials.

If your change in circumstances is purely of a financial nature, the agency may refuse to review your plan. For example, the NDIA would generally decline requests for an unscheduled review if a participant claims to need more funding because of a gambling loss, because a parent has ceased employment, or because their car has broken down and requires repairs.

## “I think I deserve more” isn’t a strong argument.

The NDIA views every participant in Australia’s disability scheme as unique. This means you cannot expect to receive more funding by referencing another participant’s situation or funding outcome (“Joe’s friend got an iPad, so we think Joe should get one, too” is NOT a valid argument).

When you request a funding review, you need to argue solely based on what you consider to be reasonable and necessary. Your claims need to be backed up by the assessment of a therapist.

## The NDIA must be the appropriate funding body.

The NDIS provides funding to meet the needs of people with a severe and permanent disability, who wouldn't receive the same support from other government agencies or the wider community.

This means that every request for more or different funding needs to be tested against the question whether the NDIS is actually the agency in charge.

If a family member or community organisation may be better suited to shore up support when a participant's circumstances change, the NDIA will likely deny the request for a plan review.

### What's new: Independent Assessments



From mid-2021, the NDIA will change its plan review process.

It will then appoint an independent panel of private specialists such as psychologists, occupational therapists, physiotherapists and speech pathologists to assess a participant's health and life circumstances.

The NDIA says the new process will make assessments fairer and save participants time and money spent on organising various therapy reports.

The independent assessments will last between one and four hours. A big change: participants won't be assessed by their usual therapists anymore.

# Unscheduled Plan Review – the process:

To request an unscheduled plan review, you will need to fill out a form you can download on the NDIS portal. Send this form to the agency along with any supporting evidence.

The question is: which form is the right one for your case? The NDIA has created a number of pathways for you to lodge an unscheduled review request. Each requires a different form or procedure.

## Here's a brief overview

of the three different types of unscheduled reviews in the NDIS. Participants will likely require the help of a support coordinator to complete them.

## 1 - Participant Requested Review (unscheduled plan review)

This type of review is commonly used when a **funding package needs to be adjusted** following a significant change in the participant's circumstances and support needs. Legal experts refer to these type of plan reviews as 'reviews under section 48'.

Download and complete the [change of circumstances form](#). Tell the NDIA how your circumstances have changed by phone, in writing or in person. The form lists all the relevant contact details.



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## 2 - Internal review (review of a reviewable decision)

This type of internal review is commonly used when a participant is **unhappy with a decision the NDIA has made**. It may be used to object the outcome of an unscheduled plan review (based on changed circumstances). Any person directly affected by an NDIA decision can request an internal review.

When asking for an internal review, you need to detail why the decision in question wasn't appropriate in your point of view, how it has affected the participant and what you hope to achieve with a review. You should also mention which, if any, important evidence the NDIA may have failed to consider in its initial decision.

You must lodge your request for an internal review within 3 months after receiving notice of the decision. For example, if you want the NDIA to review your plan, this would mean requesting an internal review within three months from the start date of your plan.

### We recommend you download the application for a review of a reviewable decision.



It's not mandatory for you to use [this form here](#) when requesting an internal review (you could also phone the NDIA on 1800 800 110), but from our experience it is always better to request a review in writing and not over the phone to ensure accuracy.

You can also take the form to an NDIS office in person or submit a written request to the Chief Executive Officer, National Disability Insurance Agency, GPO Box 700, Canberra ACT 2601.

### 3 - Administrative Appeals Tribunal (AAT) review.

When you disagree with the outcome of an NDIS internal review, you can take the matter to the administrative appeals tribunal. The AAT consists of legal experts who will undertake an independent review of a decision the NDIA has made.

To call upon the AAT, you need to send an application to the tribunal within 28 days from receiving the NDIA's decision on an internal review. You can apply online by filling out [this AAT form](#).

## Frequently Asked Questions

### What happens if I apply for the wrong review?

Sometimes, participants simply ask for a “review” without clarifying what exactly they want reviewed. In this case, the NDIA can note it as an “unspecified request for a review”.

### Will the NDIA contact me?

Yes. The NDIA will contact the participant to clarify the nature of the request and explain the different options.

### What if I miss the 3-months deadline for an internal review?

If you request an internal review later than 3 months after you were notified of the decision you want reviewed, the NDIA cannot proceed. In this case, the participant can only request a regular unscheduled plan review.

## Will the review be run by the same person who made the first decision?

No. The NDIA will ensure that a new person reviews your plan (or any other decision you want reviewed), not the one who's made the decision you are unhappy with.

For further information, read the official NDIS information on [internal reviews](#) and reviews for [changes of circumstances](#). You can also read the technical Operational Guideline that describes how the NDIS handles [reviews of decisions](#). Read more on AAT reviews on the tribunal's website.

# Who is Provider Choice?

We are NDIS experts. We provide plan management services and easy-to-use technology for all NDIS participants.

If you have any plan management questions or queries, please get in touch with:

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