

# Your Life Your Choice

Host Provider Handbook  
June 2015

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# 1. Overview

## 1.1 Introduction

Self-directed support enables people with disability, their family and carers to have more choice and control over the disability supports and services they purchase to achieve positive outcomes in their lives.

Your Life Your Choice introduces the concepts of self-direction and increased choice and control more broadly into Queensland. Self-direction is a key foundation of the National Disability Insurance Scheme (NDIS). Your Life Your Choice provides opportunities for people with disability and their families and carers to prepare for the future services under the NDIS.

The NDIS has a number of ways for people to manage the funding for the supports in their plans. The role most like that of a host provider within the NDIS is that of a plan manager. There are some similarities and some differences between these roles. Host providers are encouraged to seek more information from the [NDIS website](#).

Through Your Life Your Choice people can choose to self-direct their individual funding through either a:

- host provider - a form of self-directed support that enables people to make decisions with a host provider about whether they want to take some or all of the responsibility for buying and managing their disability supports and services (the host provider receives the funding from Disability Services); or
- direct payments - where people take all the responsibility for buying and managing their disability supports and services and receive funding directly from Disability Services to pay for these.

This handbook is for host providers and gives information on the host provider roles, responsibilities and reporting requirements. It is intended to guide host providers in their support of people with disability and their families who self-direct their supports and services.

This handbook is included as an additional condition in a host provider's Service Agreement with the department.

A [Glossary](#) is provided at the end of this handbook to assist with key terms used in regard to the host provider model.

## 1.2 Principles of choice and control

The [Your Life Your Choice Self-Directed Support Framework](#) adopts human rights principles and requires that people with disability:

- have the same human rights to be respected and treated with dignity as any other member of society
- have the right to individual autonomy, independence and the freedom to make their own choices about their lives
- cannot be discriminated against due to their ability, culture, age, gender or geography
- have the right to have valued roles in the community and be full, effective and active participants within their communities

- are accepted as part of human diversity and humanity
- have access to the same opportunities as other members of society
- have access to information in easily accessible and understood formats
- have the right to realise their individual, skills, capabilities and development within their lives.

This *Host Provider Handbook* refers to the person with disability who is in receipt of individual funding and who will be named in the agreement as the 'person'.

The [Your Life Your Choice Self-Directed Support Framework](#) is also based on the assumptions that people with disability:

- have the ability to manage and direct their supports and services. If a person does not have capacity to undertake this independently, they are able to have support from their family or a support network to help them
- should be able to determine how much control they want to have over the management of their funding, supports and service providers, and be able to change the amount of control over time as they see fit.

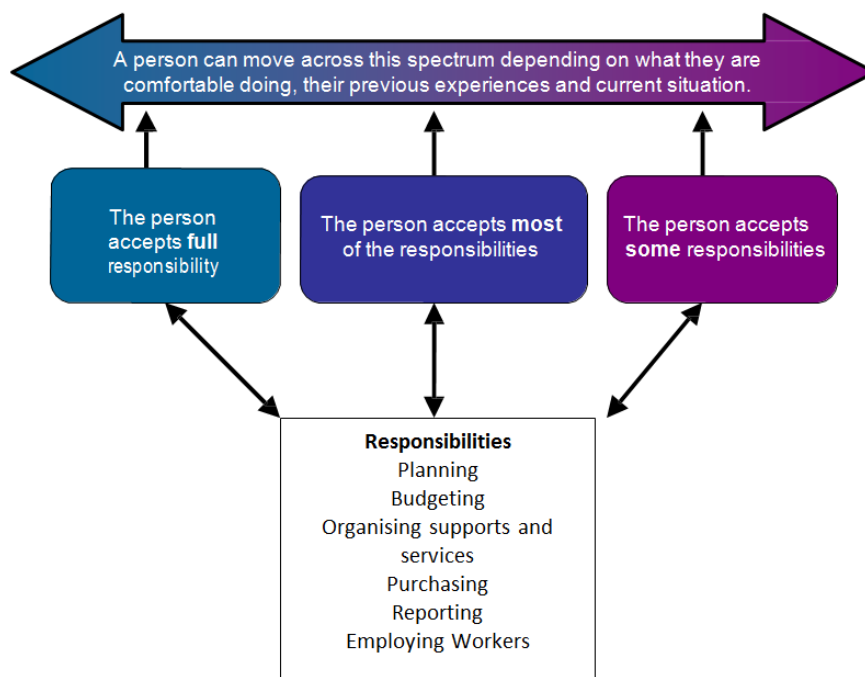
These principles and assumptions must be reflected in a host provider's services.

## **1.3 Understanding host provider services**

### **1.3.1 The spectrum of self-directed support**

The [Your Life Your Choice Self-Directed Support Framework](#) reflects a spectrum of self-directed support (see Diagram 1). The spectrum takes into consideration that at one end of the spectrum people will want to take full responsibility for self-directing their supports, while at the other end others will want to take less responsibility.

Diagram 1



Your Life Your Choice host providers can deliver a host provider service which covers some, or all, of the spectrum of self-directed support. Where a host provider has a service that enables a person to take full responsibility for their disability supports and services, the person will have the responsibility to:

- develop and manage their plan for supports and services
- identify, choose and pay suppliers of supports and services
- provide financial reports on expenditure of government funding to the host provider.

Where a host provider has a service that supports a person to take on some or most of the responsibility for their disability supports and services, the person will have the responsibility to develop their plan for supports and services but may receive support from a host provider to manage the administration of their funding and purchase of supports and services.

A host provider must act in accordance with service provider responsibilities included in the [Disability Services Act 2006 and the Community Services Act 2007](#).

### 1.3.2 Separating service delivery and the host provider role

It is important to understand the way a host provider service is different to the way services have usually been provided - traditional service delivery.

#### Traditional service delivery

When a person with disability and their family get support through traditional service delivery, an organisation (shown as Service Provider A in [Diagram 2](#)) would, generally, plan with a person around the services identified in the person's Integrated Support Plan (ISP).

A person's services would generally then be delivered by the same organisation. There are circumstances where organisations do broker, but this usually only occurs when the service required is not available from the organisation.

## Host provider services

When a person uses a host provider, they can purchase their planned supports and services from a variety of places. As identified in [Diagram 2](#) the Your Life Your Choice host provider facilitates the purchase of supports from a range of service providers.

A host provider can assist a person to identify where they can get their supports, for example through informal supports, community services or disability service providers. However ultimately, a person will decide where to purchase these supports.

In instances where a person does decide to purchase traditional disability services from a host provider organisation it should only occur if it is the expressed wish of the person.

A person should not feel obliged or pressured to purchase traditional supports and services from their host provider. Host providers are responsible for ensuring people explore the full range of options available.

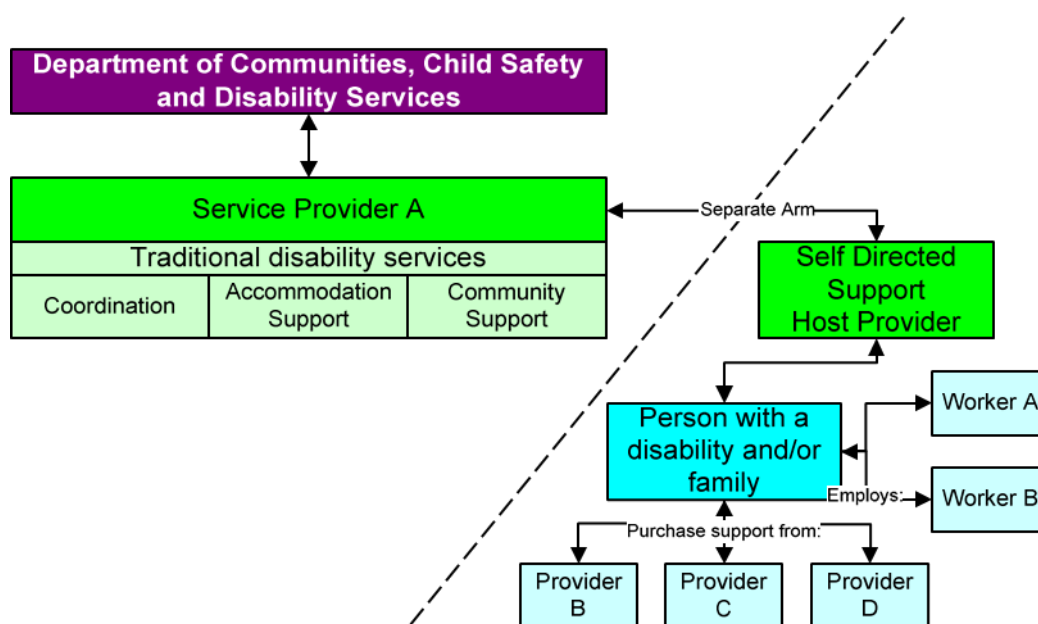
To make the distinction clear, the organisation must have a separate host provider 'arm' that will support host provider activities and processes to enable a person to self-direct their support.

The host provider 'arm' does not need to be a separate legal entity of the organisation but should have its own operational objectives and reporting structure.

A separate host provider 'arm' can be seen as a restructure or split of operations or commercial functions, where management, reporting and accountability are set up as a separate and independent component of an organisation's other business activities.

Diagram 2 shows the relationship between an organisation that has added a separate 'arm' to deliver a host provider model. It identifies the distinction between the administration of the self-directed support arrangement and the delivery of traditional disability services. It highlights the role of a person with disability and their family in their role as purchasers of supports and services.

**Diagram 2**



A host provider must have approval to, or indicate a willingness to apply for approval to, deliver service type 2.06 (case management, local coordination and development).

## 2. Host Provider responsibilities

With self-directed support, a person has an active role in the development of a plan for supports and services (see Glossary), including the choice of the disability supports and services they buy. However, a host provider has responsibility to ensure Disability Services policies are adhered to, to administer the funding and report all purchases made with the funding to Disability Services on behalf of each person.

The services a host provider offers and the responsibilities they and a person will have, must be clearly communicated to the person and/or their relevant person (see Glossary) before providing host provider services.

Standard responsibilities of a host provider include:

- informing participants of Disability Services' policies and policy positions (see attached)
- developing an agreement with a person that clearly identifies
  - agreed roles and responsibilities of a person and the host provider
  - the supports the host provider will provide and associated fees
  - the service categories a person is able to purchase with their individual funding (based on a person's assessed service categories)
  - how a person will report their purchases to the host provider
  - how the host provider and a person will manage the funding
  - how the host provider and a person will meet the requirements of relevant Disability Services policies e.g. the Your Life Your Choice – Use of Restrictive Practices Policy
- assisting a person to develop a plan for disability supports and services that meets their assessed needs
- ensuring these purchases are in line with what is reasonable to the spend Disability Services funding on
- endorsing the plan for supports and services
- ensuring purchases made with Disability Services funding are consistent with the approved items on a person's plan for supports and services
- managing conflicts of interest
- adhering to the relevant Disability Services policies e.g. the Your Life Your Choice – Use of Restrictive Practices Policy
- monitoring a person's compliance with their agreement, plan and Disability Services policies and having clear processes for non-compliance
- ensuring their services are provided in a culturally appropriate manner

- translating the plan for supports and services onto the Disability Services provided output schedule
- ensuring compliance to the conditions within the Service Agreement
- managing the taxation impact of making payments directly to a person (see <http://www.qld.gov.au/disability/service-providers/being-host-provider/> for more information)
- managing records in accordance with relevant legislation.

A host provider must also have policies and procedures consistent with the requirements of the *Disability Services Act 2006* and the Service Agreement.

Information about service agreements can be found at:

<http://www.communities.qld.gov.au/gateway/funding-and-grants/streamlined-agreements>

### **3. Department of Communities, Child Safety and Disability Services responsibilities**

The Department of Communities, Child Safety and Disability Services has the following responsibilities to:

- communicate the Disability Services policies and procedures relevant to Your Life Your Choice to host providers
- notify a person of the funding available for them and the service categories they are assessed to receive (they will receive a letter from Disability Services with these details)
- make information on host provision available on the Disability Services website
- update/enact the Service Agreement to reflect the conditions of a host provider
- make payments to the host provider for the delivery of services
- monitor the outputs delivered as per the Service Agreement
- provide advice and support as required
- undertake continuous improvement activities to ensure Your Life Your Choice maintains contemporary practice and that processes are streamlined and efficient.

## **4. Being a host provider**

### **4.1 Meeting a person**

People with disability are encouraged to meet with as many host providers as they wish to find the one that is most suitable for them. The host provider and a person should:

- determine if the host provider offers the services a person is seeking
- discuss the supports the host provider offers and the cost of the supports



- discuss how the host provider will manage a person's supports including: what supports Disability Services has assessed a person as needing; what supports a person wants to purchase and from where; how the host provider supports a person to purchase their supports; how the funding will be managed; whether there is a restrictive practice in place; and how a person expects to be supported by the host provider
- explore how they could potentially work together, before proceeding to a formal agreement.

Host providers should decide if the supports a person is requesting can be met within the model of support they offer and if they would be the right host provider for a person.

## 4.2 Planning supports and services

When a person chooses to self-direct their supports, they will need a plan about the purchase of disability supports and how they will use their funding (plan for supports and services).

There is no set format and process when planning supports and services. What the plan will look like should be discussed with a person and should be flexible enough to respond to the needs of each person.

During planning, questions you might like to talk with a person about include:

- What is important to you in your life?
- What are your assessed disability support needs?
- What supports you need to remain healthy and safe?
- What works and doesn't work in your life at the moment?
- What ways would you like to keep in contact with friends and participate in your community?
- What are your aspirations (hopes and dreams)?
- What are your priorities and goals?
- What are the things you already do, want to do, want to learn, and hope to achieve?
- What disability supports do you need to achieve these?

The plan will have a focus on linking a person's assessed service categories to their goals and priorities and to the specific supports and services a person thinks will meet their disability support needs. The planning process should also maximise a person's opportunity for choice and control over the disability support they buy.

At a minimum, a person's plan for supports and services will need to include:

- what services categories a person has been assessed to receive
- the amount of funding a person has
- a person's priorities or goals
- what supports and services a person will buy to meet their assessed need
- where the disability supports and services will be bought and how much these will cost.

A person can develop their plan for supports and services before they approach a host provider or they can ask a host provider to assist them to develop one. Regardless of how their plan for supports and services is developed, it belongs to the person. It may be based on a broader life planning process, which involves identifying visions, aspirations, goals and priorities.

A person's plan for supports and services may need to change if their situation or support needs change.

A host provider may assist to make changes, reprioritise a person's purchases and re-budget for these changes within the person's funding allocation.

Whenever this happens all changes to the person's plan will need to be endorsed by the host provider to ensure the changes still align to the person's service categories and goals and still meet the requirements for what Disability Services funding can be used for.

Links to resources to assist with planning are provided under [Useful Links](#).

### **4.3 The agreement between a person and the host provider**

An agreement between a person and the host provider must be signed before host provider services commence.

The agreement outlines:

- the roles and responsibilities of both parties
- how the host provider services will be delivered
- fees associated with the host provider's services
- timeframes for the host provider services
- the management of a person's individual funding and who is responsible for specific tasks, such as monitoring of purchases
- what will happen if the host provider has concerns over the quality of supports a person is buying

- how to manage conflicts of interest
- how to adhere to the relevant Disability Services policies e.g. the Your Life Your Choice – Use of Restrictive Practices Policy
- how to change the supports and services identified in the plan
- complaints processes
- how to change host provider services (either changing the type of host provider services being received or changing to another host provider).

In signing the agreement, a person is agreeing to the terms of the host provider's involvement in assisting them to self-direct their support.

A host provider will need to ensure this agreement provides sufficient information and safeguards to conform to the requirements of the [Disability Services Act 2006](#), the [Community Services Act 2007](#) and the host provider's [Service Agreement](#) with the department.

## 4.4 Schedule of fees

A host provider must have a schedule of fees outlining their services and their costs.

The schedule of fees needs to reflect what services a person can purchase from the host provider and the associated costs. It should also indicate any additional fees that may be charged and where these would apply.

The schedule of fees must be provided to, and discussed with, a person prior to entering into an agreement. Any negotiation of fees is between a person and the host provider.

Disability Services will not be involved in the negotiation of host providers' fees.

## 4.5 Purchasing

### 4.5.1 What can be purchased?

All Disability Services funding must be used to purchase reasonable and necessary supports and services that are directly related to a person's assessed disability support needs, their goals and priorities.

Your Life Your Choice enables a person to plan and purchase across all the service categories Disability Services has assessed them as needing. Disability Services will let a person know what service categories they have been assessed for.

Services categories include:

- Accommodation Support
- Community Support
- Community Access
- Respite
- Alternate forms of communication
- Goods and equipment

Any supports and services purchased must:

- be directly related to a person's assessed service categories
- be outlined in a person's plan for supports and services
- help a person achieve their priorities or goals
- directly benefit a person with disability
- be cost effective
- represent 'best value' (see Glossary).

The purchase of supports through Your Life Your Choice must demonstrate the proper use of public resources and a direct link to a person's assessed need.

The funding **cannot** be used to pay for:

- supports funded by other local, state and commonwealth government programs
- costs that other community members would be reasonably expected to pay for with their own money, such as electricity, gas, telephone and internet, general household fittings, furniture and white goods not used by the person with disability in meeting their disability support needs, food, groceries, rent or the purchase, running or maintenance costs of vehicles
- illegal activities, gambling or activities that are considered harmful to a person's health.

Disability Services funding is for disability specific supports and is not considered as additional income.

The process detailed above has been designed to assist the host provider work through purchasing decisions. Additional support is available from Disability Services staff if the host provider remains unclear.

For guidance regarding what supports may be available under the NDIS please see:

[www.ndis.gov.au/providers/pricing-and-payment](http://www.ndis.gov.au/providers/pricing-and-payment)

#### **4.5.2 Where people may purchase services**

A person is able to decide where services and supports are purchased. However it is the responsibility of host provider to ensure a person has enough information to make this decision.

In making these decisions the host provider should help a person to consider the:

- type and nature of the supports that can be provided
- costs of those supports
- how they will ensure their safeguards and quality of services
- conditions related to providing the supports
- other issues, such as insurance arrangements, conflict of interest and complaints processes.

Under a host provider arrangement, a person may choose to purchase supports and services from:

- certified disability providers
- providers of community services (non-certified providers) – except where there is a restrictive practice in place (see section 4.10 for further details).

A person may also choose to employ their own workers or engage contractors, except where there is a restrictive practice in place (see section 4.10 for further details).

If a person has a positive behaviour support plan in place, which includes the use of a restrictive practice, they will not be able to employ their own workers and will need to purchase supports from a relevant service provider, regulated under Part 6 of the *Disability Services Act 2006*.

The host provider must inform a person of the risks and safeguards associated with the supports and services a person has chosen to purchase. Some of these risks and safeguards are outlined below.

A person and their host provider will need to find out about the cost of services and make a decision about whether this represents the best value for money for the services provided.

### **Certified disability service providers**

Certified disability service providers are approved non-government disability service providers under the Human Services Quality Framework.

If a person chooses to purchase from a certified provider, there is level of assurance that the service provider has been assessed by an external third party auditor and conforms to current service standards.

### **Non-certified providers**

A non-certified provider is any service in the community that is not funded under the *Community Services Act 2007* and is not audited under the Human Services Quality Framework. Examples could include a local naturopath, swimming teacher or private physiotherapist.

Disability Services does not monitor or regulate the supports and services provided by non-certified providers. Supports purchased from non-certified providers are regulated under laws that apply generally to businesses, such as Australian Consumer Law.

Disability Services is unable to assist a person with complaints about the services provided by non-certified providers.

## **4.6 Employment of workers**

A person, with their host provider, may decide to employ their workers directly. This relationship makes a person an employer. If a person employs their own workers, they are responsible for setting up their own personal or business employment arrangement.

The host provider and a person will need to consider the standard award rates they will pay for the service and where necessary, align the employment arrangements to fair work practices.

Disability Services does not monitor or regulate the supports and services provided by directly-employed workers. Any concerns about the quality of a service provided by a directly-employed worker can be dealt with under workplace relations laws.

Refer to the Fair Work Ombudsman website: [//www.fairwork.gov.au/](http://www.fairwork.gov.au/)

Also see *Employing a support workers laws and obligations* – information compiled for participants of the National Disability Insurance Scheme (NDIS):

[www.ndis.gov.au/sites/default/files/documents/employing\\_support\\_worker.pdf](http://www.ndis.gov.au/sites/default/files/documents/employing_support_worker.pdf)

#### **4.6.1 Engaging contractors**

The Australian Taxation Office outlines the difference between employees and contractors.

The host provider and/or person will be responsible for making sure that people are engaged under the right working conditions.

Refer to the Australian Taxation Office website for more information: [www.ato.gov.au](http://www.ato.gov.au)

#### **4.6.2 Employment of family members**

Disability Services does not support the employment of family members except under exceptional circumstances.

The reason for this is to safeguard people with disability by:

- supporting families to have natural family relationships
- reducing the risk of breakdown of relationships within the person with disability's natural networks
- preventing or avoiding any conflict of interest between a family member and the supports for the person with disability
- ensuring the family are not financially dependent on persons individual funding
- ensuring the person with disability's best interest and welfare are the primary motivation for the purchasing and provision of supports and services
- ensuring one person or service does not have whole-of-life control over the person with disability increasing the opportunity for the person with disability to engage in a wide range of social interaction and situations.

Host providers are encouraged to discuss with a person the above safeguards and to explore all options for employing workers.

Host providers are also encouraged to familiarise themselves with the direction of the National Disability Insurance Scheme with regard to employment of family members. A relevant NDIS Operational Guidelines document can be found at <http://www.ndis.gov.au/document/723>

If you have further questions in relation to the employment of family members, please contact Disability Services.

#### **4.7 Managing disagreement and conflict of interest**

If a host provider disagrees with a person's decision about where to purchase supports and services, they will need to discuss this with a person. If agreement cannot be reached, the host provider should contact their local Disability Services regional office for advice.

All host providers must have a process for managing conflict of interest. Further information about managing conflicts of interest is included in the appendix of the [Host Provider Handbook for people with disability, their families and support networks](#).

## 4.8 Changing host providers

If a person is not happy with the service provided through a host provider, the host provider should try to resolve any issues with the person. If this is not possible, a change of host provider may be required.

A host provider's process regarding changing provider should be discussed with a person before an agreement is signed. An overview of this process, including what will happen to the host provider fees paid by a person, should then be reflected in the agreement with the person.

If a person would like to change host provider, the host provider should advise them to contact their Disability Services regional office. The regional office will advise the person how to go about this.

A change of host provider may take up to six weeks. The start date of this will need to be negotiated, and is usually at the beginning of a quarter.

## 4.9 Change of circumstances

If a person's circumstances have changed, or they require or request additional funding, they will need to be reviewed and, if necessary, reassessed by Disability Services. In these circumstances the host provider should advise a person to contact their Disability Services regional office.

## 4.10 Safeguards

### 4.10.1 Restrictive Practices

Restrictive practice means any of the following practices that are used in response to the behaviour of an adult with an intellectual or cognitive disability that cause physical harm to themselves or others; a serious risk of physical harm to themselves or others; or damage to property:

- contain or seclude someone
- using chemical, mechanical or physical restraint on someone
- restricting someone's access (to objects).

Disability Services has implemented the Your Life Your Choice— Use of Restrictive Practices Policy. This policy has certain requirements of host providers.

Host providers must be aware of their responsibilities in relation this policy. These are outlined in the Your Life Your Choice – Use of Restrictive Practices Policy (see Appendix 1).

Host providers should decide if they are able to support a person who requires the use of a restrictive practice.

Where "person with disability" is used in the policy it means an adult with intellectual or cognitive disability. For the purpose of the policy person with disability also includes any formal guardian or substitute decision maker.

## **Restrictive Practices for new people**

In the initial meeting with a person host providers must enquire if an adult with an intellectual or cognitive disability has a positive behaviour support plan in place with the use of restrictive practices. The host provider should also seek information on whether a person with disability has behaviours that may require a restrictive practice. Where a person with disability is unsure, the host provider should direct them to the information provided on the Department of Communities, Child Safety and Disability Services' Positive Behaviour Support page at <https://www.communities.qld.gov.au/disability/key-projects/positive-behaviour-support>

Where a person with disability does have a restrictive practice in place, the host provider will need to determine if they can support the person to meet the requirements of the Your Life Your Choice – Use of Restrictive Practices Policy.

Where the host provider determines they are not able to support a person they must inform a person in a timely manner. Where the host provider determines they are able to support a person with a restrictive practice they have responsibility to ensure a person and their decision maker has access to and understands the requirements of the policy prior to entering into an agreement.

## **Restrictive Practices for a person already supported by the host provider**

Host providers have responsibility to ensure people they support who may meet the policy requirements have the Your Life Your Choice – Use of Restrictive Practices Policy and that they understand their obligations in relation to this policy. Host providers must have processes in place to ensure that they are informed of practices that may require a positive behaviour support plan and the use of a restrictive practice.

Where a person with disability has behaviours that may require a restrictive practice and they do not have a behaviour support plan, host providers must inform the department immediately.

Where there is an existing restrictive practice for a person already supported, host providers are responsible for ensuring that the services, where the restrictive practice applies, are purchased from a relevant service provider. If this is not occurring, the host provider must assist a person and their decision maker to develop a transition plan to move to a relevant service provider for the supports where the restrictive practice applies. In developing this transition plan host providers should ensure any risks and safeguards for a person is considered.

Where a person does not comply with the transition plan host providers must inform the department.

Host providers are responsible for ensuring adherence to the policy. However, host providers are not responsible for the monitoring or reporting on the restrictive practice, as this is the responsibility of the relevant service provider under the *Disability Services Act 2006* Part 6.

Where a host provider is depositing the funds into a person's bank account they must report to the department strategies for ensuring that purchases are occurring in line with this policy e.g. host provider paying invoices.

### **4.10.2 Criminal History Screening**

Disability Services supports the screening of workers to ensure they are suitable and appropriate workers. Screening may include interviews, referee checks and criminal history screening.



Some criminal history checks are:

- a current Yellow Card or Yellow Card Exemption issued under the *Disability Services Act 2006*, with a confirmation email or
- a Blue Card for working with children and young people
- a national criminal history report prepared by the Australian Federal Police, State or Territory Police, obtained within the last 12 months.

Host providers should ensure a person has sufficient information to make decisions about the screening of potential workers including when supports are purchased from non-certified providers and when a person is an employer or engaging contractors.

#### **4.10.3 Your Life Your Choice and the Office of the Public Guardian**

The Office of the Public Guardian is an independent statutory body, working to protect the rights and interests of adults who have an impaired capacity to make their own decisions.

People who are clients of the Public Guardian are not able to receive payments directly into their bank accounts through either Your Life Your Choice direct payments or via a host provider.

Where a host provider is supporting a person who is a client of the Public Guardian and are depositing funds into a person's bank account the host provider should contact the Public Guardian in the person's area:

<http://www.publicguardian.qld.gov.au/adult-guardian/contact-us>

## **5. Income and pension rulings**

The Australian Taxation Office has ruled (Class Ruling CR2013/45) that any payments under Your Life Your Choice self-directed support are not considered assessable or taxable income. Any interest earned on those funds in a person's bank account is also not considered to be taxable income.

The Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs has ruled (F2013L00911) that Your Life Your Choice is an approved personal care support scheme under section 35A of the *Social Security Act 1991* and that any payments under Your Life Your Choice self-directed support are not considered income when determining eligibility for social security payments or the amount of those payments.

Refer to the Australian Taxation Office website for more information: [www.ato.gov.au](http://www.ato.gov.au)

## **6. Goods and Services Tax (GST)**

The goods and services tax (GST) will be applied to the full year grant payment made to a host provider.

If a host provider deposits funds directly into a person's bank account, they must make the person aware that some supports and services will be affected by the additional cost of GST when paid for by them.

Host providers should seek independent, professional advice about GST, but in general, GST is a consumer tax paid by the end-consumer.

When a host provider buys services on behalf of a person, the host provider pays the GST and is able to claim it back through an input tax credit from the ATO (as long as the host provider is registered for GST).

When a person buys their own supports or services, a person pays the GST where applicable and they cannot claim it back from the ATO.

The Australian Taxation Office provides GST information at [www.ato.gov.au](http://www.ato.gov.au) or phone 13 28 66.

## **7. Disability Services Processes**

### **7.1 Service Type Forms**

Service Type forms are used by host providers to tell the department what service types and outputs will be purchased with the funding. They can be created in conjunction with or after, broader planning and are required to be submitted to the department within 28 days of the host provider receiving the first payment for a person.

Service Type forms should:

- be submitted as one form per grant (includes former departmentally-managed FSP non-recurrent grants, portability grants and all other recurrent grants—no form is required for one-off grants)
- reflect the correct grant dollar amount
- show service types that are within a person's assessed NMDS service categories
- show that an establishment fee has been charged only once.

#### **7.1.1 When is a service type form required?**

- Within 28 days of receiving payment for a YLYC grant set up as 2.66, 2.067 (if applicable) and 7.04
- When the service types to be provided to a person have changed since submission of the original form (changes to outputs do not require a new form)
- When the original service type form included an establishment fee, and the following year, that funding amount will be used to purchase an additional service type rather than topping up an existing service type
- When the original service type form included an amount for a one-off purchase such as a piece of equipment, and the following year, that funding amount is then freed up to purchase something different.

#### **7.1.2 When is a service type form not required?**

- When outputs change but the service types remain the same
- When a host provider establishment fee is no longer being charged (after the first year) and that funding amount will be used to top up an existing service type

- When one-off equipment purchases have occurred and there are no plans to use the funds to purchase outside the service types already detailed on the service type form.

## 7.2 Unspent funds

Disability Services encourages good financial and support planning to manage variations throughout the year. Host providers are encouraged to monitor and review spending with a person during the financial year.

If a person does not use all their funding in a financial year (1 July to 30 June) they may be able to use these funds in the next financial year if:

- they need and plan to use these funds in the next financial year and
- the supports or services they want to spend the funds on were identified on the output schedule for that person or subsequently listed in the Service Agreement Item 6. Details about Funding and Services

As the total annual amount of funding a host provider's organisation receives under a Service Agreement and the total amount of the organisations unspent funds need to be taken into consideration, host providers should contact the relevant person within their organisation for advice.

If further information is required please contact your Disability Services Contract Manager.

The Funding Accountability Guidelines provides the business rules for Disability Services funding. Please see the Funding Accountability Guidelines for more information

<https://www.communities.qld.gov.au/disability/support-and-services/for-service-providers>.

## 8. Monitoring and reporting

### 8.1 The Service Agreement

The host provider's organisation is required to report as per their Service Agreement with the department. This host provider handbook forms part of the Service Agreement.

Reporting required of a host provider is outlined in the Service Agreement.

A host provider must ensure that they receive sufficient information from a person to meet their reporting requirements within their Service Agreement.

If despite best efforts, a person does not comply with the plan for supports and services or provide necessary acquittal, the host provider should contact their Disability Services regional office.

### 8.2 National Minimum Data Set (NMDS) reporting

When a host provider is endorsed, a specific Service Outlet (SO) is set up to report Your Life Your Choice services with a Service Type Outlet (STO) for each output code utilised. A host provider will report their ongoing administration and Support Plan Management as one 2.066 output and any establishment fees as one 2.067 output.

Host providers are expected to complete the NMDS reporting as outlined in their Service Agreement and are responsible for reporting all services purchased by the people they support. This reporting is usual practice for any service providers funded by Disability Services and are reported as hours or

places of support. Further information is provided in the NMDS Data Guide or by contacting the regional data support officers.

## 9. Useful links

### Further information about Your Life Your Choice

[www.communities.qld.gov.au/disability/key-projects/your-life-your-choice](http://www.communities.qld.gov.au/disability/key-projects/your-life-your-choice)

### Information for service providers

[www.qld.gov.au/disability/service-providers/your-life-your-choice-self-directed-support/index.html](http://www.qld.gov.au/disability/service-providers/your-life-your-choice-self-directed-support/index.html)

[www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)

[www.ato.gov.au](http://www.ato.gov.au)

[www.publicguardian.qld.gov.au/adult-guardian](http://www.publicguardian.qld.gov.au/adult-guardian)

### Self-directed support

<http://pearl.staffingoptions.com.au/>

### Planning

[www.helensandersonassociates.co.uk/](http://www.helensandersonassociates.co.uk/) (see resources in Person Centred Practices)

[www.inclusion.com/](http://www.inclusion.com/) especially [www.inclusion.com/path.html](http://www.inclusion.com/path.html)

[www.kendrickconsulting.org/Pages/default.aspx](http://www.kendrickconsulting.org/Pages/default.aspx) (see publications)

[www.familiesleadingplanning.co.uk](http://www.familiesleadingplanning.co.uk)

[www.stlukes.org.au/Pages/Resources/Innovative\\_Resources.aspx](http://www.stlukes.org.au/Pages/Resources/Innovative_Resources.aspx)

## Glossary

**Annual Record of Purchases:** A report a direct payments participant makes on the purchases made over the year with their individual funding.

**Best value:** The process of establishing quality, prices, and availability that provides the best overall benefit to a person.

**Certified provider:** A certified provider is a non-government disability service who has met the requirements of the Human Services Quality Framework.

**Criminal history screening:** A check undertaken to identify criminal convictions.

**Direct payments:** Direct payments are where Disability Services deposits money directly into the bank account of a person with disability, or their relevant person, for the purchase of disability supports and services.

**Disability Services:** Disability Services are those defined by the *Disability Services Act 2006* which means one of the following service categories:

1. accommodation support services;
2. respite services
3. community support services
4. community access
5. alternative forms of communication
6. goods and equipment.

**Family/families:** Family members of an adult or child with disability. Family members may or may not live in the same residence as a person with disability.

**Host provider:** A host provider is a non-government service provider that has been endorsed as a host provider. A host provider will assist a person to self-direct their individual funding and to have more choice and control over the supports and services they receive.

Host provider services enable a person to make decisions about the level of responsibility a person has for purchasing and managing their disability supports and services.

**Individual host provider agreement:** The agreement between the host provider and a person with disability. The agreement will state the terms and conditions of the management and administration of a person's funding.

**Individual Funding Agreement:** The agreement between Disability Services and a direct payments participant or their relevant person. The agreement will state the terms and conditions of the management and administration of the arrangement.

**Individualised funding:** Ongoing funding allocated to a person for the specific purpose of providing disability support for that person.

**Non-certified provider:** A non-certified provider is any service in the community that is not funded under the *Community Services Act 2007* and is not audited under the Human Services Quality Framework. Examples could include a local naturopath, swimming teacher or private physiotherapist.

**Person:** Refers to an adult or child with disability.

**Plan for supports and services (host provider):** A plan which has a focus on linking the person's goals and aspirations and assessed disability support needs to their purchases of supports and services made with Disability Services funding. The planning process should maximise a person's opportunity for more choice and control over the supports and services they purchase.

**Quarterly NMDS report and certification:** Reporting required under a Service Agreement with Department of Communities, Child Safety and Disability Services.

**Relevant service provider:** A relevant service provider is a funded service provider that provides disability services to an adult with an intellectual or cognitive disability and is regulated under Part 6 of the *Disability Services Act 2006*.

**Relevant person (Direct Payments):** A relevant person for an adult with disability is:

- a person nominated by the adult to deal with direct support matters on their behalf; or
- a guardian or an administrator appointed for the adult; or
- an attorney appointed by the adult under the *Powers of Attorney Act 1998*;
- a member of the adult's support network other than a paid carer for the adult within the meaning of the *Guardianship and Administration Act 2000*.

A relevant person for a child with disability is a parent of the child. A parent of a child with disability includes:

- a person who exercises parental responsibility for the child, other than a person standing in the place of a parent of a child on a temporary basis; and
  - for an Aboriginal child - a person who, under Aboriginal tradition, is regarded as a parent of the child; and
  - for a Torres Strait Islander child - a person who, under Island custom, is regarded as a parent of the child.

The relevant person may assist with planning, arranging for the provision of supports, and managing the direct payments funding administration arrangement.

**Your Life Your Choice – Use of Restrictive Practices Policy:** Adults with intellectual or cognitive disability who are self-directing their support under the Your Life Your Choice Self-directed Support Framework and have behaviours that cause physical harm to themselves or others; a serious risk of physical harm to themselves or others; or damage to property and are subject to use of a restrictive practice as part of the delivery of a particular disability support must:

- use a host provider
- purchase from a relevant service provider regulated under Part 6 of the *Disability Services Act 2006* for the provision of the particular support where the restrictive practice is used.

This applies to the use of restrictive practices in the areas of:

- containment
- seclusion
- chemical, mechanical and physical restraint

- restricting access to objects.

**Service categories:** Refer to the NMDS Service Category; a grouping of disability service types. These describe the higher level of service types Disability Services assesses a person as needing.

**Statement of Support and Funding (Direct Payments):** A form that outlines a direct payment participant's priorities or goals and details the supports and service and how much they plan to buy of these to achieve those goals.

Other supports and services (e.g. informal or community services) can also be identified on this document.

**Support network:** A person's support network could include their family members, friends, carers, and informal advocates who support a person with a disability with planning and achieving their priorities or goals. They may also provide informal support to the person. The term excludes support workers and service providers.

# Appendix 1 – Your Life Your Choice – Use of Restrictive Practices Policy

## Disability Services Policy

**Title:** Your Life Your Choice – Use of Restrictive Practices Policy

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The Department of Communities, Child Safety and Disability Services is committed to upholding the rights and wellbeing of people with disability. The Queensland Your Life Your Choice Self-directed Support Framework supports this commitment by providing options for people with disability to have increased choice and control to ensure they get the maximum benefit from the disability supports and services they purchase.

This support for increased choice and control includes people with intellectual or cognitive disability who have behaviours that cause physical harm to themselves or others; a serious risk of physical harm to themselves or others; or damage to property.

This policy is supported by the safeguards within the *Disability Services Act 2006*. These safeguards include:

- Part 3 – Complaints about the delivery of disability services by funded service providers
- Part 5 – Screening of particular persons engaged by the department or funded non-government service providers
- Part 6 – Positive behaviour support and restrictive practices.

In addition, the training and resources available through the Centre of Excellence for Clinical Innovation and Behaviour Support on the use of restrictive practices will assist with ensuring appropriate safeguards are maintained.

As identified in the Heads of Agreement between the Commonwealth and Queensland Governments on the National Disability Insurance Scheme (NDIS), Queensland will adopt NDIS-like policies and processes, wherever possible.

This policy is developed to achieve a balance between enabling choice and control and ensuring adequate and appropriate safeguards are in place.

### Policy statement

Adults with intellectual or cognitive disability who are self-directing their support under the Your Life Your Choice Self-directed Support Framework and subject to use of a restrictive practice as part of the delivery of a particular disability support must:

- use a host provider
- purchase from a relevant service provider regulated under Part 6 of the *Disability Services Act 2006* for the provision of the particular support where the restrictive practice is used.

This applies to the use of restrictive practices in the areas of containment, seclusion, chemical, mechanical and physical restraint and restricting access to objects.

Where “person with disability” is used in this policy it means an adult with intellectual or cognitive disability. For the purpose of this policy person with disability also includes any formal guardian or substitute decision maker.

### Policy detail

This policy is intended to ensure:

- the restrictive practice is not used for a person with disability without appropriate oversight and adherence to Part 6 of the *Disability Services Act 2006*



- the restrictive practice is not used as a form of punishment
- positive behaviour support has been used to reduce or eliminate the use of restrictive practices
- a person with disability is appropriately safeguarded.

### **Host provider**

The host provider must ensure a person with disability moving to Your Life Your Choice who is subject to the use of a restrictive practice:

- purchases the direct care and support where the restrictive practice is applied from a relevant service provider regulated under Part 6 of the *Disability Services Act 2006*
- has this in place at the commencement of receiving supports through Your Life Your Choice.

If the host provider is depositing the funds into a person with disability's bank account, for the delivery of services that include a restrictive practice, they must report to the department strategies for ensuring that purchases are occurring in line with this policy e.g. host provider paying invoices.

Where the need for a restrictive practice arises for a person with disability who has already moved to a Your Life Your Choice – host provider, it is the responsibility of the host provider to:

- notify the department immediately of the need for a restrictive practice
- review the provision of direct care and support where a restrictive practice is applied to ensure the requirements of this policy are met
- assist the person with disability to develop and enact a transition plan to have all direct care and support, where a restrictive practice is applied, provided by a relevant service provider regulated under Part 6 of the *Disability Services Act 2006*.
- ensure any risks and safeguards for a person with disability are considered as part of the transition.

### **Direct payments**

Where the need for a restrictive practice arises for a person with disability who has already moved to Your Life Your Choice - direct payments it is the responsibility of a person with disability or relevant person to:

- notify the department immediately of the need for a restrictive practice
- work with the department to:
  - develop and enact a transition plan as soon as possible
  - move funding to:
    - a host provider, OR
    - a traditional service provider which has a service agreement with the Department of Communities, Child Safety and Disability Services
  - purchase the particular support where the restrictive practice is applied from a *relevant service provider* regulated under Part 6 of the *Disability Services Act 2006*
  - ensure any risks and safeguards are considered as part of the transition.

### **Development and implementation**

The *relevant service provider* with the responsibility for the provision of service where the restrictive practice is applied must meet the costs associated with compliance with this policy, the restrictive practices framework in the *Disability Services Act 2006 and the Guardianship and Administration Act 2000*. The *relevant service provider* must meet the costs of the development of the positive behaviour support plan and the implementation and ongoing monitoring of the use of restrictive practices.

The *relevant service provider* must meet these costs from within their existing organisational budget and/or the person's individual funding allocation. The *relevant service provider* must reach agreement with a person with disability on how these costs will be met.

The exception to this is the restrictive practices defined as containment and seclusion, where the department has specific planning responsibilities under the *Disability Services Act 2006*. Where the department has responsibilities under the Act, the department is responsible for the development and approval of the plan.

### **Principles:**

- Human rights, wellbeing, inclusion, safety and quality of life for people with disability are upheld.
- The safeguards in the *Disability Services Act 2006* are upheld in the purchasing and provision of supports and services for Your Life Your Choice participants.
- Maximum choice and control is maintained for people with disability and purchasing requirements are only applied to the particular disability supports where a restrictive practice is applied.

### **Objectives:**

The objectives of this policy are to ensure:

- safeguards specific to a person with disability are considered at all times
- opportunities for positive outcomes are maximised for a person with disability where a restrictive practice is applied, it is the least restrictive option in the circumstance
- there is a reduction in, and where possible an elimination of, the use of restrictive practices
- the risk of harm, abuse, discrimination or exploitation is reduced.

### **Scope:**

This policy applies to:

- positive behaviour support planning and restrictive practices as defined in Part 6 of the *Disability Services Act 2006*
- adults with intellectual or cognitive disability self-directing their support through Your Life Your Choice.

### **Roles and Responsibilities:**

#### **Your Life Your Choice host providers**

- ensure a person with disability is aware of this policy
- advise and work with relevant guardians and decision makers
- adhere to this policy
- assist a person with disability to develop and enact a transition plan to have all direct care and support, where a restrictive practice is applied, provided by a relevant service provider
- monitor the implementation of the transition plan to make sure the provision of services are transitioned to a relevant service provider
- advise the department of non-compliance and work with the department to align with the this policy as soon as possible.

#### **Your Life Your Choice relevant persons**

- adhere to this policy

- advise and work with relevant guardians and decision makers
- ensure a person with disability understands this policy to the greatest extent possible
- work with the department to develop and enact a transition plan to move funding to a host provider or a traditional service provider which has a service agreement with the Department of Communities, Child Safety and Disability Services as soon as possible
- advise the department of non-compliance and work with the department to align with this policy as soon as possible.

### **Disability Services Regional staff**

- provide a person with disability, relevant person and host providers with a copy of this policy
- provide consistent advice about the application of this policy
- assist in the development of a transition plan to have all direct care and support provided by a *relevant service provider*
- monitor compliance with this policy and work with relevant parties to align with this policy as soon as possible.

### **Authority**

*Disability Services Act 2006*

### **Delegations**

#### **Regional Directors**

Regional Directors are delegated to implement this policy within the departmental regions and are accountable for ensuring that appropriately skilled staff deliver services under this policy.

Once a person with disability is purchasing services through a *relevant service provider*, the usual restrictive practices delegations identified in the *Disability Services Act 2006* apply.

#### **Records File No.:**

**Date of approval: 28 April 2015**

**Date of operation: 1 July 2015**

**Date updated:**

**Office:** Disability Services,  
Disability Services and Portfolio Renewal

**Help Contact:**

#### **Links:**

**Related policies**

**Strategic context**

#### **Related legislation or standard**

- *Disability Services Act 2006*
- *Human Services Quality Standards December 2012*
- *Guardianship and Administration Act 2000*

**Rescinded policies**

Michael Hogan  
Director-General