



# NDIS provider access to Queensland state schools

This factsheet provides important information for providers (NDIS providers) engaged to provide supports under National Disability Insurance Scheme Participant Plans (NDIS Plans) seeking to provide these supports at state schools, during school time.

## 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.

## Role of schools

The Department of Education and state schools are committed to improving outcomes for students with disability by delivering high quality education supported by reasonable educational adjustments. We are also committed to working with parents to ensure students with disability can achieve their learning goals and succeed.

Teaching students and supporting them to achieve their full educational potential is the most important role played by schools. Time spent engaging in education at school is critical to student achievement and should not be disrupted unnecessarily.

## Responsibilities of principals

- Principals are responsible for student safety and wellbeing and cannot delegate this to another person, including NDIS providers. It is critical that principals and school staff ensure students are safe while they are at school.
- Principals are also responsible for the day-to-day management and control of the school. This includes authority given to them under the *Education (General Provisions) Act 2006 (EGPA)* to manage who enters, and the actions of any person on school grounds.

- Principals are required to comply with privacy legislation in respect of student information and the personal information of staff, parents and others; maintain the good management and order of their schools; and workplace health and safety.

## Schools and the NDIS

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, focused on supporting children and young people in their daily living.

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

Parents may request that NDIS providers, who are engaged either by them or NDIS plan managers, deliver supports included in NDIS Plans (NDIS supports) at school, during school time.

NDIS providers do not have an automatic right to access schools to deliver NDIS funded 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 and make decisions about requests from parents for NDIS providers to deliver NDIS supports at school, during school time on a case-by-case basis. This means that NDIS providers who are already delivering NDIS supports to another student/s at the school or have been granted access at another school do not automatically have the right to access the school.

## Policy and procedures

The department's NDIS provider access to Queensland state schools [policy](#) and [procedure](#), [Principals Fact Sheet](#) set out the issues and process for considering access requests and enabling access to occur.

Please note that the policy and procedure do not relate to requests to observe students in classrooms. Nor are they relevant to providers engaged by schools or the department to provide non-NDIS supports.

## Steps before access can occur

Before a NDIS provider can access the school and provide supports under an NDIS Plan, the following steps must be taken:

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. The parent/s advises the NDIS provider.
5. NDIS provider provides information to the school.
6. The school, parent/s and NDIS provider enter into an Access Agreement that sets out the conditions for the NDIS support to be delivered at school during school time.
7. The NDIS provider completes mandatory training, including any training required by the principal, and provides required supporting documentation.

These steps take time. NDIS providers will not be able to access the school and deliver supports to a student until all of these steps are completed.

## The parent's request

The primary relationship regarding the student is between the school and the parent. Parents will complete an NDIS access request form. To complete the form, they may seek information from NDIS providers including:

- the business name of the NDIS provider
- the names of the NDIS provider's staff who will be providing the support at school, during school time
- when the support is to be provided including the days of the week and times the NDIS support is to be provided
- how often the NDIS support will be provided and for how long
- why the NDIS support needs to be provided at school, during school time
- whether the NDIS provider's access to the school or another school has been terminated and why.

The student's parent/s may ask NDIS providers for this information. The school will not meet the costs associated with providing this information.

As each decision is made on a case-by-case basis, and to take into account the educational needs of each student, a new NDIS Access Request form will need to be completed for each request even if the NDIS provider is already delivering supports or other services at the school.

NDIS providers cannot make requests for access directly to the school.

## Seeking additional information from parent/s

The principal may need further information from the student's parent/s to make a decision. This may involve a face-to-face meeting. NDIS providers may be asked to attend the meeting or be asked by parents to help provide further information to the school. All information at this stage must be provided by the parent to the school.

## Notifying the parent about the principal's decision

The principal will write to parent/s advising them of their decision. The letter will include information

required by the school before an Access Agreement can be signed.

Parents are responsible for advising the NDIS provider of the principal's decision and for advising them to provide the additional information outlined in the letter.

## NDIS provider provides information to the school

Once the principal's decision is made the NDIS provider will be required to provide the following information:

- confirmation of the names of NDIS provider staff who will be providing the NDIS support at school, during school time and certified copies of each of their:
  - Working with Children (Blue Card) clearance details
  - photo identification, such as a valid Driver Licence or Proof of age card.
- certified copies of certificates of currency for the following 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 the nature and type of NDIS supports to be provided at the school, during school time
- details of any proposed use of school equipment or materials.

## The Access Agreement

The Access Agreement sets out the responsibilities of the school, parent and NDIS provider. The principal, parent/s and NDIS provider must sign the Access Agreement before access can occur.

The Access Agreement will include a date when access will end. Parents can request, in writing or by email that the school extends the period of the Access Agreement.

## Training

The Access Agreement will require that NDIS provider staff delivering the NDIS support at school, during school time will have completed the following mandatory training:

- the department's *Mandatory All-Staff Training (MAST) program: key messages guide for contractors, volunteers and visitors* within the last 12 months (a MAST declaration form must be provided for each NDIS provider staff member)
- school-based induction (for that school, and records will be kept by the 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) (current certificates for each NDIS provider staff member).

### MAST training

The MAST key messages guide includes information on responsibilities of contractors, volunteers and visitors to meet their obligations for working ethically, protecting students, working safely, and protecting information.

All contractors, volunteers and visitors must complete the training outlined in the MAST Guide prior to commencing work on school premises and complete the MAST declaration form.

### School-based induction

All NDIS provider staff delivering supports at school must complete a school-based induction program.

The school-based induction will clarify the responsibilities of all parties and provide important information including:

- a general induction to the school site, including workplace safety procedures
- child protection and mandatory reporting procedures within the school
- supervision arrangements
- privacy requirements
- managing disputes and complaints
- records management requirements, consistent with privacy and confidentiality obligations.

## Requirements when attending the school

Upon entering the school and at each visit, NDIS provider staff must provide the school with both:

- Working with Children Check (Blue Card)
- photo identification, such as a valid Driver Licence or Adult proof of age card.

While at the school, NDIS provider staff must comply with:

- all directions given by school staff
- the Code of Conduct
- child protection reporting requirements
- workplace health and safety requirements; and
- privacy requirements.

Non-compliance may result in the Access Agreement being terminated.

### 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.

### Child protection

All visitors to state schools must advise 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.

## Place where the support can be provided

The school will determine the room or place where the NDIS support will be provided. This will be set out in the Access Agreement.

The school, to meet its duty of care obligations, must be able to maintain a line of sight to the student while the NDIS support is being provided. The principal may decide that a school staff member should be present in the room when the NDIS support is provided.

The parent or NDIS provider may ask that the NDIS support is provided in a room or a place that does not allow a line of sight. The request must be in writing and set out why this level of confidentiality is needed.

The principal will determine whether to agree to the request.

The school may need to change the room or place in the school where the NDIS support will be provided. The school will advise the NDIS provider of any changes as soon as possible.

## Using school equipment and materials

The NDIS provider will be required to bring their own equipment and materials to deliver the support and be responsible for its maintenance and quality assurance. However, in exceptional circumstances the school may consider reasonable requests to provide equipment and materials to enable the NDIS provider to deliver the support.

The NDIS provider will need to let the principal know about any equipment needs before entering into the Access Agreement.

Principals may determine fees and charges for using school facilities. The amount of the fee is not set and can be discussed by the school with the parent and the NDIS provider in the process of completing the Access Agreement.

The fees and agreement to use school equipment and materials will be included in the Access Agreement.

## Communication

Parents are primarily responsible for communicating with the NDIS provider and school regarding changes in the schedule for delivering the support.

They will liaise with the school and the NDIS provider if changes are needed to the times and dates for supports being provided and advise the:

- NDIS provider if the child is absent from school on a day when the provider is scheduled to deliver the supports at school
- NDIS provider if other activities at school mean that the service cannot take place at the school. For example, when sports carnivals, excursions or special events or assemblies are scheduled
- school if the NDIS provider is unable to provide the service on any scheduled day
- school, in writing or by email, if the parent stops accessing the support or changes NDIS providers.

The school will advise the parent and NDIS provider should issues arise at the school that may impact on the ability for the support to be delivered at school, during school time.

NDIS providers must advise the parent or the school, in writing or by email, of any change in circumstances that would result in the NDIS provider no longer being able to deliver the support at school, during school time.

## Information sharing and storage

### Storing information at school

Information received by the school, including copies of the documents sighted, and the Access Agreement, will be stored securely on OneSchool. If a student transfers or moves interstate, this information may be accessible to another school.

### Sharing information and keeping records

The school and the NDIS provider will not share information regarding the student without the parent's written consent.

The NDIS provider will be responsible for keeping their own records of the support provided, and progress made. Schools will not hold any reports or progress records unless the parent provides them to the school.



## NDIS provider costs

Parents may seek information from the NDIS provider to make their request and may invite NDIS providers to meetings with the school. Schools will not be liable for any costs associated with the NDIS provider related to providing information to the parent, attending training, providing documentation or any other cost associated with accessing the school to deliver the NDIS support.

## Suspending or terminating access

The principal may terminate or suspend, the Access Agreement and stop the NDIS provider and their staff from accessing the school to deliver the NDIS support.

The school will communicate any concerns regarding the support arrangements to the parent before a decision to withdraw access is made.

The principal may terminate an NDIS provider's access to the school 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 circumstances or issues the principal considers appropriate for terminating the access agreement.

Principals will advise parent/s and the NDIS provider in writing or by email of any suspension or termination and the reasons for their decision.

Schools may also raise issues of concern 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).

## More information

More information about the types of issues the principal needs to consider is available in the Information for [Principals Fact Sheet](#) and at the [policy](#) and [procedure](#) site.

**NDIS Provider Access to State Schools – Policy:**  
<http://ppr.det.qld.gov.au/pif/policies/Documents/NDIS-provider-access-to-state-schools.pdf>

**NDIS Provider Access to State Schools – Procedure:**  
<http://ppr.det.qld.gov.au/education/management/ProcedureAttachments/NDIS-provider-access-to-state-schools/NDIS-provider-access-to-state-schools.pdf>

**NDIS Provider Access to Queensland State Schools – Principal Fact Sheet:**  
<http://ppr.det.qld.gov.au/education/management/ProcedureAttachments/NDIS-provider-access-to-state-schools/Principal-fact-sheet.pdf>

**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/det-induction/det/induction-programs-and-resources/code-of-conduct>

**National Disability Insurance Agency (NDIA):**  
<https://www.ndis.gov.au/about-us/contact-us/feedback-complaints.html>

**NDIS Quality and Safeguards Commission:**  
<https://www.ndiscommission.gov.au>

# NDIS provider checklist

This checklist sets out the mandatory requirements that must be met before an NDIS provider can access a school to deliver NDIS supports at school, during school time.

Before the Access Agreement	
Names of staff who will be providing the NDIS support at school	<input type="checkbox"/>
<b>Staff Working with Children Check</b>	<input type="checkbox"/>
Certified copies, for each NDIS provider staff member providing the support at school, of: <ul style="list-style-type: none"><li>Working with Children Check clearance (Blue Card).</li><li>photo identification, such as a valid Driver Licence or Adult proof of age card.</li></ul>	
<b>Insurances</b>	<input type="checkbox"/>
Certified copies of certificates of currency for the following insurance policies: <ul style="list-style-type: none"><li>workers compensation insurance (or personal injury insurance in the case of sole traders undertaking the work themselves)</li><li>professional indemnity insurance for not less than \$2 million per claim</li><li>public liability insurance for not less than \$20 million per claim.</li></ul>	
Details of the nature and type of NDIS supports to be provided at the school, during school time	<input type="checkbox"/>
Details of any proposed use of school equipment or materials.	<input type="checkbox"/>
After the Access Agreement, and before access	
Each NDIS staff member delivering the NDIS support at schools has completed the following training: <ul style="list-style-type: none"><li>the <i>Department of Education's Mandatory all staff training program: key messages guide for contractors, volunteers and visitors</i> (MAST) within the last 12 months (a MAST declaration is provided to the school)</li><li>school-based induction (records kept by the school); and</li><li>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) (current certificates).</li></ul>	<input type="checkbox"/>