Aged Care Assessment
Supplementary Guidelines
for
Younger People with Disability

JULY 2019
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1. **Section One - Background**

1.1. **Foreword**

These Supplementary Guidelines provide additional information to the My Aged Care Assessment Manual June 2018 in relation to younger people accessing permanent residential care, residential respite care and In Home Aged Care (Home Care Packages and Commonwealth Home Support Programme (CHSP)), Transition Care Programme (TCP) Short-Term Restorative Care Programme (STRC).

This document will assist Aged Care Assessment Team (ACAT) (known as Aged Care Assessment Service (ACAS) in Victoria) members in the assessment and approval of younger people seeking access to aged care services during the roll out of the National Disability Insurance Scheme (NDIS) nationally.

This document will be updated during the transition period as necessary. Once the NDIS has fully rolled out, this document will be absorbed into the My Aged Care Assessment Manual. NDIS Support Coordinators and Local Area Coordinators will also be issued with guidance to support the implementation of these guidelines.

1.2. **National Disability Insurance Scheme (NDIS)**

The NDIS is a new way of providing support for people with disability, their families and carers in Australia. The NDIS will provide all Australians under the age of 65 who have a permanent and significant disability with the reasonable and necessary supports they need to live an ordinary life. This may include:

- support to access and participate in age-appropriate social, civic and community activities and sustain informal support networks with family, friends and carers, including additional personal care to access these networks, as required;
- support to identify alternative suitable age-appropriate accommodation and supports including, where appropriate, home modifications;
- therapy supports, including allied health to maintain or improve functional performance, independence, and social and economic participation; and
- assistive technology to support a participant build their functional performance and independence.

To become a NDIS participant a younger person must:

- have a permanent impairment that significantly affects their ability to take part in everyday activities;
- be aged less than 65 years when they first apply to enter the NDIS;
- live in Australia in an NDIS area on a specified date based on the NDIS rollout schedule; and
• be an Australian citizen, or hold either a permanent or Protected Special Category visa.

For more information about the access process please see the Applying to access the NDIS webpage. Where a person requires assistance to apply for access to the NDIS, they should contact the NDIS office in their state or territory.

The National Disability Insurance Agency (NDIA) will build relationships with mainstream service providers and the local community. This will improve providers’ understanding about how they can assist people with disability.

An aged care recipient who is or becomes a NDIS participant and subsequently turns 65 is able to remain a NDIS participant indefinitely. (Note that the National Disability Insurance Scheme Act 2013 (NDIS Act) prevents a person from becoming an NDIS participant after the age of 65.) Under the NDIS Act, a NDIS participant whose first permanent entry to residential care or home care (but not residential respite care) is after the age of 65, ceases to be a NDIS participant. (NDIS Act Section 29 (1) (b)). This does not apply to the CHSP.

For NDIS participants turning 65 requesting access to CHSP, assessors must ensure a person is not referred for services they are already receiving through other Commonwealth, state, territory or local government programs. Younger people and assessors are also required to test eligibility for other programs, to ensure they access the most appropriate program(s).

More information on the NDIS is available online.

2. Section Two – Pathways to access services

2.1. Considerations for a younger person’s access to aged care services

Access to Aged Care Services under the Aged Care Act 1997

There is no age restriction limiting the delivery of Commonwealth subsidised aged care services under the Aged Care Act 1997 (the Aged Care Act) to the elderly. ACAT assessors are responsible for determining whether or not a person, including those under the age of 65, or 50 for Aboriginal and Torres Strait Islander people, are eligible to receive aged care services under the Aged Care Act.

However, ACATs should be aware that:

• residential aged care services are designed specifically to meet the needs of frail older people, and are not oriented for the needs of younger people with disability;
the most appropriate outcome for younger people with disability is to access age-appropriate accommodation and supports, rather than aged care services;

younger people with disability, living in residential aged care or who are at risk of entering residential aged care, should be considered as priority to explore age-appropriate accommodation and supports that are appropriate to their needs; and

an aged care service provider has the right to determine whether they will accept placement of a younger person with disability, based on their capacity to meet their individual needs.

The Younger People in Residential Aged Care – Action Plan specified concrete actions to reduce the number of younger people aged under 65 who need to live in aged care and to help them access more age-appropriate housing and supported living options. More information is at YPIRAC – Action Plan

However, the eligibility criteria for Commonwealth subsidised aged care delivered under the Aged Care Act are based on care needs and not age. If a person meets these criteria, he or she must be approved by an ACAT.

Before the ACAT refuses to approve a person who is not an aged person for care types under the Aged Care Act, aged care legislation requires that they investigate if more appropriate care facilities or care services are available to meet the person’s needs (the Approval of Care Recipient Principles 2014). This includes:

exploring all options for age-appropriate accommodation and supports; and

in rollout areas, whether the younger person is eligible for the NDIS.

Depending on the outcome of the ACAT assessment, a younger person may be eligible to receive the following aged care services under the Aged Care Act:

a) Permanent Residential Care Services;

b) Residential Respite Care;

c) Home Care Services; and/or

d) Flexible Care Services (e.g. Transition Care and Short Term Restorative Care); or

e) None of the above.
2.1.1. Access to CHSP

The CHSP is not governed by the *Aged Care Act*. Unlike aged care services under the *Aged Care Act*, the CHSP is restricted by age. CHSP services are available to frail, older people aged 65 years and older (50 years and older for Aboriginal and Torres Strait Islander people).

The CHSP provides funding for a broad range of entry-level aged care support services and is designed to provide a relatively small amount of care and support to a large number of frail older people to help them to remain living at home and in their communities.

Frail older people or prematurely aged people 50 years and older (or 45 years and older for Aboriginal and Torres Strait Islander people) who are on a low income and who are homeless or at risk of homelessness as a result of experiencing housing stress or not having secure accommodation may be able to access the Assistance with Care and Housing (ACH) CHSP sub-program. Clients who are eligible to access ACH services are also eligible to access other CHSP services targeted at avoiding homelessness or reducing the impact of homelessness.

Access to all services through the CHSP is subject to assessment by the My Aged Care contact centre and the Regional Assessment Service (RAS), to determine the suitability of CHSP services, noting that an ACAT assessor can also approve CHSP services.

2.1.2 Transition Care and Short-Term Restorative Care

If a person lives in a NDIS area and has an approved plan to explore age-appropriate housing and supports, they may be able to access services through the Transition Care Program (TCP) or Short-Term Restorative Care Programme (STRC), where other disability or aged care services are not appropriate or available. In this situation, the NDIA should facilitate contact with My Aged Care so that a referral to an ACAT can be arranged. The NDIA should be able to provide evidence that clearly demonstrates a NDIS plan is in place, that all other options have been tested with the participant, and that the TCP or STRC is the only practical service response.

In order to be eligible for TCP or STRC, an individual will need to be approved by an ACAT and meet specific eligibility requirements, as set out in the TCP Guidelines and the Short-Term Restorative Care Manual respectively.

If a person is eligible for TCP or STRC, the following applies:

- they can receive TCP or STRC services through an approved service provider;
- the service provider can claim subsidies from the Australian Government, and in the case of TCP, from the State or Territory Governments;
- the person will pay Transition Care or Short-Term Restorative Care fees, where they can afford to do so. The NDIA will pay a person’s means tested aged care fee, but not the basic daily fee; and
- the person will be protected by relevant aged care quality standards and safeguards, which are outlined in the relevant programme guidelines.

Where someone receiving NDIS services is also eligible for TCP or STRC services, providers in both the NDIS and TCP or STRC programs are expected to coordinate to ensure that there is no duplication of services.

2.1.3 Setting time limited approvals

Generally it is no longer necessary for ACAT approvals for younger people accessing permanent residential care or home care to be time limited. In addition, time limiting approvals can disrupt a provider’s payments unnecessarily for people who legitimately require care.

Many younger people who enter aged care, or are at risk of entering aged care, will be actively seeking other more age-appropriate accommodation options and support services as part of their NDIS plan. Others will be transitioned to the NDIS as it rolls out by July 2020. In consultation with the NDIA / Support Coordinator, there may be some circumstances that it is appropriate to time limit a residential aged care approval such as where a younger person is being discharged from hospital to residential aged care and is waiting for NDIS funded home modifications, which may take up to 12 months to complete.

2.2. Accessing services in NDIS rollout areas

There are further considerations before a person can access aged care services during the NDIS transition such as:

- if the person lives in a NDIS roll out area;
- if the person is eligible for the NDIS;
- if the person is a new or existing aged care recipient;
- the type and level of services the person requires; and
- if other more appropriate services are available to meet the person’s needs.

These are described in more detail below and are summarised at Table 1.

In areas where the NDIS has rolled out, it is the responsibility of the potential participant or their representative to test eligibility with the NDIA. While the NDIA is assessing eligibility, the younger person may not require an ACAT assessment unless:

- the person meets criteria for urgent circumstances pathway and without immediate support may be at risk of harm; and
- there are no alternative age-appropriate accommodation settings or supports available (See section 2.3.2).
A younger person may make an access request to the NDIA up to six months prior to the NDIS becoming available in their region. However, services are only received once the younger person’s NDIS plan has been approved. Until the NDIS plan has been approved, the NDIS participant should be referred to their state or territory disability services before seeking aged care noting that once the NDIS is fully rolled out, state and territory specialist disability services systems are expected to be closed to new entrants.

Therefore, where there are delays in establishing the NDIS participant’s pathway, the participant should be referred to the NDIA for escalation in the first instance, unless the person is experiencing urgent circumstances (refer 2.3.2 below). The NDIA has internal escalation protocols that can be utilised if required.

### 2.2.1 Permanent residential care – eligible for the NDIS

If the person lives in a NDIS area and has an approved plan to explore age-appropriate accommodation and supports, but more appropriate accommodation is not currently available, they may need to access accommodation from an aged care service. In this situation the NDIA / Support Coordinator should facilitate contact with My Aged Care so that a referral to an ACAT can be arranged. The NDIA will be able to provide evidence that clearly demonstrates if an NDIS plan is in place. If an NDIS plan is in place, the NDIA, through a participant’s Support Coordinator, will be able to advise, once all other options have been tested with the participant, that an aged care accommodation solution is the only practical service response.

The person will need to be approved for permanent residential care and/or residential respite care by an ACAT to become an aged care recipient. Once a person is an aged care recipient, the following applies:

- they become eligible for aged care allocated place with an aged care service;
- the aged care provider can claim aged care subsidies and supplements from the Australian Government;
- the person will pay aged care fees; and
- the person will be protected by the aged care quality and safeguards arrangements for their aged care services and care.

The person also remains a NDIS participant and is known as a ‘dual participant’. The NDIS plan will determine if the younger person is eligible for additional support and services through the NDIS, noting that there may be restrictions on the provision of some services such as health and nursing care under their NDIS plan. Based on an NDIS participant’s goals and aspirations, if additional reasonable and necessary supports are required, these will be funded through the NDIS.

The NDIS Quality and Safeguards Commission is a new independent agency established to introduce a nationally-consistent approach to improving the quality and safety of NDIS supports. The Commission was established in New South Wales and South Australia on 1 July 2018, and will commence...
operating progressively around the country to 1 July 2020. A temporary exemption to the Commission’s mandatory registration requirements applies to aged care providers who are approved under the Aged Care Act. However, providers remain subject to aged care quality and safeguards and the NDIS Commission’s jurisdiction in relation to complaints, and are required to adhere to the NDIS Code of Conduct. This exemption expires on 30 June 2020. If aged care providers wish to deliver NDIS services beyond those services that they provide under the Aged Care Act after this time, they will then be subject to the NDIS Quality and Safeguards.

For the aged care provider to deliver additional services under the NDIS Act, they may need to become a NDIS approved provider. However, these additional services may also be delivered through a third party provider. Aged Care providers should seek advice from the NDIA on provider registration arrangements, as they differ depending on how a NDIS participant’s plan is managed (e.g. whether the plan is managed by the participant (Self-Managed) or by the NDIA (Agency Managed)).

2.2.2 Already receiving Home care – eligible for the NDIS

A younger person can leave their home care package when they commence receiving NDIS services. However, it is the younger person’s choice if they wish to maintain services through both Commonwealth programs, noting that if the younger person retains their home care package their aged care fees will remain payable. Where someone does access services under both programs, the NDIS may provide top-up services over and above the home care specified care and services. If the person exits from the home care package, then the NDIS will provide the person reasonable and necessary supports.

2.2.3 Permanent residential and home care – NOT eligible for the NDIS

If a person lives in a NDIS area, is not eligible for the NDIS and they are currently receiving a state, territory or Commonwealth specialist disability service, they will be referred by the NDIS to contact their existing service provider as they may be eligible for Continuity of Support.

If the person lives in an NDIS area and they are not currently receiving a state, territory or Commonwealth disability service, they will be provided with information from the NDIS about mainstream services in their area. This may include a referral to a Local Area Coordinator to discuss Information, Linkages and Capacity Building.

If there are no other (more appropriate) services available to meet their needs, the person may request access to aged care (See 2.1 Considerations for a younger person’s access to aged care services).

2.3. Access to support during NDIS transition

As the NDIS rolls out, most younger people will access supports and services through the NDIS and will not require access to aged care. However, during
the NDIS transition, some younger people may require access to aged care due to a lack of alternative housing and support options. The usual process for a younger person seeking to access aged care is described in section 2.3.1. In rare situations there may be urgent circumstances requiring a person’s case to be handled differently as described in 2.3.2.

2.3.1 People seeking access to aged care support

A younger person must first approach the NDIA to test their eligibility to become an NDIS participant. If a younger person approaches My Aged Care, the contact centre will initially advise the person to seek assistance from the NDIS. For those found ineligible for the NDIS, the contact centre will confirm that the person has evidence of the NDIS outcome. If so, the person will be screened to determine the appropriate assessment pathway.

Where the screening indicates a home support assessment pathway and the person does not meet requirements for CHSP eligibility, the person will be advised to contact the relevant state and territory service. Those requiring a comprehensive assessment are referred to an ACAT (See Diagram 1 p.13 Client pathways during NDIS roll out).

2.3.2 Urgent Circumstances

There may be a small number of younger people experiencing urgent circumstances that are referred to the ACAT from the My Aged Care contact centre for a comprehensive assessment.

Definition of urgent circumstances

Urgent circumstances are defined as a younger person with care needs who currently, or in the imminent future, is unable to access care and/or age-appropriate accommodation, and where this represents a significant risk of harm for that person. Situations may include, but are not limited to:

- Homelessness, or at risk of homelessness
- A lack of adequate and readily available housing and supports
- A recent or expected loss of a sole carer or guardian with no known alternative care options; and/or
- Exposure to domestic violence.

Hospital setting

The number of people being admitted to aged care from hospital will be reduced by the implementation of the YPIRAC – Action Plan which seeks to identify appropriate, alternative settings for these people. The Action Plan

1 Note in non NDIS roll-out areas the person will be advised to seek assistance from the state or territory government.
brings together and focuses several large pieces of work to achieve this, including Specialist Disability Accommodation reforms, hospital discharge projects and the NDIA’s Complex Support Needs Pathway. However, if an NDIA outcome is not imminent or age-appropriate accommodation is not available, additional considerations for a younger person in hospital settings will be required to meet urgent circumstances such as the younger person:

- Has completed an acute episode in hospital and is medically stable
- Is unable to be discharged safely into the community
- Would be expected to meet the urgent circumstances criteria, if they were to be discharged into the community
- Has undergone a hospital discharge planning process (including consultation with the ACAT and the NDIS support coordinator) to establish that the best option is to allow access to an ACAT assessment for consideration of aged care support
- And/or representative agrees and understands the purpose of the ACAT assessment i.e. to make decisions about their eligibility for aged care support such as residential care.

Sole carer or guardian

There may be urgent situations where a younger person’s older sole carer or guardian (guardian) now requires residential aged care. Where the guardian is placing themselves at risk of harm by refusing the residential care option, out of concern for the younger person’s wellbeing should they be separated, the ACAT must undertake an assessment. The younger person may not be known to the NDIS. If eligible for residential aged care, once the older and younger person are settled, the younger person may be more open to explore the additional support that the NDIS can offer them once they have met the access requirements.

Referral management

The entry point for people seeking access to aged care services is through the My Aged Care Contact Centre. As aged care is the option of last resort for a younger person, most younger people who contact the Contact Centre will be required to provide evidence that they have tested their eligibility (via the NDIS or via a state or territory in a non-NDIS area) before they have been referred for an ACAT assessment. During this process if the Contact Centre identifies that urgent circumstances exist they will register and screen the client and refer to a comprehensive assessment. From this point if the NDIA outcome is not known, the ACAT will liaise with the NDIA to confirm that the person does not have real or immediate access to alternative age-appropriate care facilities or services required to meet their care needs. This information will provide the ACAT with the evidence to proceed with the assessment for a determination of a person’s eligibility for aged care support.

Alternatively, some clients in urgent circumstances may be identified by the ACAT who can self-refer the person if this is considered appropriate.
Where the Department of Health becomes aware that a person is experiencing difficulty with accessing services and has urgent needs, the Department may request the ACAT to arrange a comprehensive assessment for a person, through their state or territory ACAT manager.

**Aged care assessment outcomes**

The ACAT delegate can approve or not approve, as with all applications for care under the Act, the person for any care types based on the eligibility criteria for the care type, the assessed care needs and evidence. For some cases (such as hospital cases awaiting NDIS funded home modifications), the recommendation for a 12 month time-limited permanent residential care approval may be considered. This will allow further opportunity to review of the person’s additional needs for aged care support when the NDIS Plan is known (See section 2.1 Considerations for a younger person’s access to aged care services).

**Note:** where an approval for aged care takes place as an outcome of the urgent circumstances pathway, if not already done so, the younger person should be encouraged to test their eligibility with the NDIS.
2.4 Accessing services when NDIS has not rolled out

In areas where the NDIS has not rolled out, it is the responsibility of the relevant state or territory disability services agency to initially assess younger people with disability and ensure they are referred to the most appropriate care service available.

The younger person will need to contact the relevant disability services in the state or territory in which they reside in the first instance if they are seeking permanent residential care, residential respite care, home care and home support.

If there are no other (more appropriate) services available to meet their needs, the person may request access to aged care. If there are no other care facilities available that are more appropriate to meet the younger person’s needs, they may meet the eligibility criteria for aged care services. Where the My Aged Care contact centre screening indicates a comprehensive assessment pathway, the contact centre will proceed with referral to an ACAT assessment.

Diagram 1 Client pathways during NDIS roll out

- My Aged Care contact centre confirms person’s age and if they are a younger person with a disability
- Confirm services have been sought from the relevant state or territory disability or relevant services or NDIA.
- Yes, No appropriate services available or the person is not eligible
- Screen - if comprehensive assessment pathway, refer to ACAT for eligibility to access aged care
- Urgent circumstances
- Refer to ACAT for eligibility to access aged care
- No and not urgent
- Refer to state or territory disability or relevant services or NDIS
- If eligible, refer to ACH CHSP sub-program via RAS
<table>
<thead>
<tr>
<th>New Entrants to Residential Care and Residential Respite Care</th>
<th>Existing Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NDIS ROLLED OUT</strong></td>
<td>ACATs should be aware that these younger people may have an NDIS plan but due to a lack of more age-appropriate accommodation, they are seeking access to residential aged care. For these younger people, as there are no other care facilities available that are more appropriate to meet the younger person’s needs, including urgent circumstances, they may meet the eligibility criteria for aged care services.</td>
</tr>
<tr>
<td><strong>New Entrants to Home Care</strong></td>
<td><strong>Existing Home Care Recipients</strong></td>
</tr>
<tr>
<td>ACATs should be aware that it is anticipated that there should no longer be a need for a younger person to access a home care package through aged care if they are eligible for the NDIS</td>
<td></td>
</tr>
<tr>
<td><strong>NDIS NOT ROLLED OUT</strong></td>
<td>ACATs should be aware that the NDIS may not be available in their area. In the first instance, these younger people should seek assistance from their relevant state or territory disability services. If there are no other care facilities available that are more appropriate to meet the younger person’s needs, they may meet the eligibility criteria for aged care services. Where the My Aged Care contact centre screening indicates a comprehensive assessment pathway, the contact centre will proceed with referral to an ACAT assessment.</td>
</tr>
</tbody>
</table>