

Planning for people with a disability

Disability Act 2006

Introduction

The *Disability Act 2006* ('the Act') becomes fully operational from 1 July 2007.

The Act outlines an approach to planning that enables people with a disability to enjoy the same rights, opportunities and responsibilities that allow them to fully and equally participate in community life. Planning will take place within a framework of self-determination, maximum choice, community membership and citizenship. These elements will assist people with a disability to acquire support that is flexible and pursue a lifestyle of choice.

What are the guiding principles of planning?

Section 52 of the Act provides guiding principles for planning. All planning for people with a disability should be undertaken, to the extent to which it is reasonably practicable, in accordance with these principles. The Act states planning should:

- be individualised
- be directed by a person with a disability
- where relevant, consider and respect the role of family and people who are significant to the person with a disability
- where possible, strengthen and build capacity within families to support children with a disability
- consider the availability of informal support and other support services generally available to any person in the community
- support communities to respond to the individual goals and needs of persons with a disability
- be underpinned by the right of the person with a disability to exercise control over their own life
- advance the inclusion and participation in the community of the people with a disability with the aim of achieving their individual aspirations
- maximise the choice and independence of the person with a disability
- facilitate tailored and flexible responses to the individual goals and needs of the person with a disability
- provide the context and coordination for the delivery of services where there are multiple disability service providers.

What is planning?

While the Act does not contain a definition of planning, the best way to explain planning is that it is a process to enable people with a disability to explore their needs, goals and aspirations and the ways they can be supported to achieve these. Planning will have a different focus for each person. For example, planning for a child living with their family will be a very different process to planning for a young adult who is seeking a job and the opportunity to live independently.

How can a person get assistance with planning?

The Act states that a person with a disability, or their representative, may request that a disability service provide them with assistance with planning.

The Act also states that if a person with an intellectual disability, or their representative, requests support from a disability service provider, the disability service provider must offer the person assistance with planning. Where this offer is taken up, the Act states the disability service provider must arrange for the assistance as soon as practicable, but within no more than four weeks from acceptance. It is important to note that arranging assistance with planning does not mean the assistance has to be provided within four weeks.

What is assistance with planning?

Assistance with planning can include:

- developing or maintaining support networks of a person with a disability including family, friends, neighbours or colleagues
- help to access the range of services available to all members of the community
- assistance from a disability service provider to facilitate the development and recording of a plan
- assistance to access specific disability supports.

The Act states that if a person has requested, or accepted an offer of assistance with planning, the disability service provider must arrange for this to occur within a reasonable period. Where a disability service provider is unable to provide assistance with planning, the service must inform the person with a disability and discuss alternatives with the person with a disability such as referral to another disability service provider who can provide assistance with planning.

What information can be useful for planning?

Information that may be collected to inform the planning process or the development of a plan needs to include areas of importance to the person with a disability (and family where appropriate).

The aim is to focus on the development of 'a vision' for the sort of life the person would like to have, and goals identified to achieve this.

As part of information gathering for planning, the following life areas provide a guide for the type of information that can be collected.

- Looking after self
- Being independent
- Choosing supports
- Paying for things
- Where to live
- Doing valued work
- Always learning
- Having fun
- Communicating
- Building relationships
- Being part of community
- Expressing culture
- Exercising rights and responsibilities

In addition to considering the areas, a plan should consider how 'support' would be provided. This may include:

- informal supports
 - How can family and friends assist in both the identification of and the meeting of the goals?
 - How can informal networks be supported or strengthened to assist?
- generic supports
 - What supports exist in the community and are available to everyone, such as education, health, employment and recreation?
 - How can a person with a disability be supported to access these supports?
- disability supports
 - What support is required beyond what can be provided by family and friends, and generic services?
 - Can a disability service provider offer this support?

What is a support plan?

A support plan is required where a person with a disability is accessing an ongoing disability service.

A support plan is developed between a person with a disability and the disability service providing support to that person.

A support plan must, as a minimum requirement, describe:

- the goals and strategies the person with a disability has
- how the disability service provider will support those goals.

Consistent with best practice for planning, a support plan should also include goals and strategies related to:

- other disability supports
- generic supports
- informal supports.

When should a support plan be developed?

Section 54(2) of the Act states that a support plan must be developed within 60 days of a person starting to use ongoing disability services from a disability service provider.

Who is involved in developing a support plan?

The person who is accessing a disability service and their formal and informal support networks such as the person's parents or carers should work together with their disability service provider.

Who takes the lead responsibility for developing a support plan when there are multiple disability service providers supporting a person with a disability?

In line with the guiding principles for planning, the person with a disability and their family or network should direct the planning process including the development of a support plan.

In preparing a support plan, a person with a disability, with the support of their family or network, may:

- direct the development of the support plan in conjunction with the disability service providers. The responsibility of the disability service provider is met when the support plan is in place.
- ask a number of their disability service providers to work together to develop a support plan. In this case, the person with a disability or their representative should choose and request one of their on-going disability service providers to coordinate this process.

When should a support plan be reviewed?

A support plan must be reviewed at least once every three years, however the plan can be reviewed earlier if the person or the disability service providers indicates that this is required.

For people living in a residential institution, support plans must be reviewed every 12 months.

Is there a support plan template?

There is no template for the development of a support plan. When a support plan is developed, it must be tailored to the needs of the person with a disability and prepared in a format that reflects their wishes, level of understanding, and which takes into account their communication and cultural needs. A consistent format for a support plan would be contrary to the intent of the Act. It is recognised however, that examples of different types of plans would be helpful for disability service providers. Work is currently being undertaken by Disability Services Division to develop a collection of such resource materials to assist with the implementation of the individualised planning approach.

Where is personal and private information recorded?

Personal and private information is often developed to assist staff working with a person with a disability to understand how best to support them. Personal and private information is often used to support a person with a disability within a specific setting such as residential service or day program.

However, personal and private information does not form part of a support plan. Examples of personal and private information include personal care such as dressing, bathing, and personal hygiene, meal assistance, health care issues, behavioural issues or therapy support.

What about current plans such as the general service plan (GSP) and the individual program plan (IPP)?

These plans will no longer be developed for a person with a disability under the new legislation.

What are the transitional arrangements if a person has a GSP and IPP, but is now required to have a support plan?

Section 223 of the Act outlines the transitional provisions for the planning arrangements from the former legislation (Intellectually Disabled Person's Services Act 1986 and Disability Services Act 1991) to the new Act.

When the Act becomes law on 1 July 2007, all existing IPPs and GSPs will continue to have effect. It is the review of these plans that will trigger the transition to the planning arrangements under the new Act.

It should be noted however, the review of one plan may trigger the review of other plans. This will depend on whether the person with a disability would like to have one support plan, rather than a number of plans.

For further information about planning, contact:

Disability Services Division, Department of Human Services
Telephone 1300 366 731 (9am to 5pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: disability.legislation@dhs.vic.gov.au