NDIS – New Framework Planning

Inclusion tree submission

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We commit to reconciliation and acknowledge Aboriginal and Torres Strait Islander peoples', their histories, cultures and communities.   We acknowledge the lands of Australia were never ceded and we respect the Aboriginal and Torres Strait Islander peoples as the traditional custodians of the land

Executive summary

We welcome the intent of New Framework Planning (NFP) to make NDIS planning fairer, more transparent, sustainable and person-centred, supported by clearer rules and a more consistent planning process. The consultation materials describe a four-step process (preparing for assessment, completing a Support Needs Assessment (SNA), building a plan and budget, and using a plan).

The materials also state that participants keep review rights via internal review and external review through the Administrative Review Tribunal (ART), and that the ART continues to "stand in the shoes" of the original decision maker. However, because planning decisions will be based on the SNA and budget method rules, the content of reviews will shift toward whether the SNA accurately captured needs and whether the budget method rules were correctly applied, with the SNA treated as an "input" rather than a separately reviewable decision.

To ensure NFP achieves its stated goals while protecting participant rights and procedural fairness, we recommend eight targeted safeguards to be embedded in the rules and associated guidance. Our priority recommendation is a mandatory pre-approval "draft plan review step" so participants can correct errors before approval, reducing avoidable disputes and ensuring transparency operates in practice.

Who we are and who we support:

Inclusion Tree provides human-centred support services, in most all States and Territories of Australia. Our services are individually tailored, strengths-focused, trauma-informed, and inspired by leading edge practices and social innovations.

We enjoy compassionately inquiring together to co-create solutions that make a difference to the people experiencing disability and mental health.

We know that investing in our people and acknowledging their gifts is what makes our business grow. We are committed to nurturing the personal and professional development of all our staff through an intentional culture of growth and learning.

We do this through providing Support Coordination, Capacity building and allied health services to NDIS participants. We support 860 participants of which 63% manage their own supports through independent workers and 'service for one' models.

We actively participate in industry working groups, events, roadshows, as well as policy and consultation sessions, advocating tirelessly for the rights of individuals to maintain control of their lives.

Priority recommendations

1. Introduce a mandatory draft-plan review step before plan approval (statement of supports, budget configuration, restrictions/requirements, funding periods, and management type).

2. Strengthen SNA accuracy safeguards by requiring a documented verification/disagreement step and a clear pathway for adding evidence before plan approval, not only through later reviews.

3. Require plain-language reasons for key discretionary decisions (restrictions, requirements, funding periods, stated supports) to support genuine choice and meaningful review.

4. Ensure restrictions on flexible funding are least restrictive, proportionate and time-limited, and paired with capability-building steps where appropriate.

5. Keep stated supports narrowly defined and applied with reasons, as genuine exceptions to flexibility.

6. Ensure supported decision-making is a default expectation (advocates/nominees and communication supports are actively offered and documented).

7. Add safeguards for plan variations made without a new assessment (notice, reasons, time limits for emergencies, and clear review-rights advice).

8. Ensure transition and impairment notices are accessible, supported, and include a correction mechanism for administrative errors (especially where a notice is not reviewable).

3) Our key concerns - Key concerns with the current draft settings

The consultation materials describe a system where delegates approve a total funding budget based on an SNA and "budget method rules," and where reviews will examine SNA accuracy and rule application rather than debating individual supports line-by-line. In this model, early-stage accuracy and transparency safeguards become even more important, because an error in the SNA or the application of the budget method will flow through to the whole plan outcome.

While the fact sheets describe important features (flexible vs stated supports; restrictions, requirements and funding periods), they do not yet clearly guarantee a pre-approval correction step, detailed reasons for discretionary settings, or consistent verification supports that would reduce disputes and protect participant rights. We therefore propose targeted additions to the rules to operationalise NFP's stated aims in day-to-day practice.

4) Recommendations (for inclusion in the rules and guidance)

Recommendation 1 – Draft plan review right (pre-approval correction step).
Step 3 materials state that the NDIA delegate checks the plan and budget and then approves it. We recommend adding an explicit requirement that a participant receives a draft statement of supports and budget settings (flexible/stated; restrictions; requirements; funding periods; management type) with a defined, supported opportunity to request corrections before approval.

Recommendation 2 – SNA verification and correction before plan approval.

Step 2 materials state the participant receives a copy of the SNA report and that concerns may lead to a replacement assessment. We recommend the rules require a documented participant verification step (or recorded disagreement), plus an accessible pathway to provide additional evidence before plan approval, so disputes are resolved early rather than only via review.

Recommendation 3 – Supported decision-making as a default expectation.

Step 2 materials provide that participants can have a nominee/family member/advocate involved. We recommend requiring assessors and delegates to actively offer and document these supports, and to ensure communication accessibility (e.g., interpreters, Auslan, Easy Read) is standard practice rather than ad hoc.

Recommendation 4 – Plain-language reasons for key discretionary decisions.

Step 3 describes that delegates consider plan duration, management, requirements, and limits/restrictions on flexible funding, and that stated supports are used for specific supports. We recommend requiring written, accessible reasons for restrictions, requirements, funding period settings, management decisions, and stated-support classification so participants can understand decisions and exercise review rights effectively.

Recommendation 5 – Restrictions must be least restrictive and time-limited.

Step 3 describes when restrictions may be used (e.g., risk of physical/mental/financial harm; inability to manage funding; participant-requested restrictions). We recommend the rules specify restrictions must be least restrictive, proportionate, evidence-based, time-limited, and reviewed, with a capability-building pathway where appropriate.

Recommendation 6 – Keep stated supports narrow and reviewable.

Step 3 states most supports will be flexible and that stated supports must be used as planned. We recommend maintaining stated supports as genuine exceptions, applied with reasons and participant input, and confirming they remain fully contestable through internal review and the ART.

Recommendation 7 – Safeguards for plan variations without a new assessment.

The review materials confirm that decisions made during plan variations and reassessments remain reviewable. We recommend that where the NDIA varies a plan without a new assessment, participants receive notice, reasons, and clear advice about review rights, with emergency variations time-limited and followed by review.

Recommendation 8 – Accessible notices and an administrative correction mechanism.

Transition to NFP includes formal notices and preparatory steps as described in the consultation material. Where any notice is framed as non-reviewable in the rules, we recommend an administrative correction pathway for notices issued in error, alongside accessibility requirements and supported engagement.

5) Real-world impacts

Example 1 - Accuracy early matters: Under NFP, the SNA report will inform the participant's budget, and review processes will focus on whether needs were accurately captured and whether the budget method rules were applied correctly. If key support needs are not captured clearly (for example, support intensity across contexts, communication needs, or variability over time), the resulting overall budget may not be fit for purpose, leading to avoidable disputes and delays in achieving plan outcomes. Building in strong pre-approval checking and correction steps would reduce the likelihood that participants must rely on internal review and external ART processes to fix preventable errors.

Example 2 - Restrictions/requirements need "how-to" clarity: Step 3 anticipates that plans may include restrictions on flexible funding and/or requirements for accessing funding in some circumstances (for example, quotes, qualified professionals, or specified processes). Where these settings are not explained in plain language with practical steps, participants can experience delays commencing supports and may disengage or escalate to complaints and reviews, even when the underlying safeguard intent is reasonable. Requiring clear reasons and accessible instructions for restrictions/requirements would help NFP deliver transparency in practice and reduce avoidable friction.

Example 3 - Funding periods + market reality: Step 3 confirms funding periods will continue to apply to flexible and stated budgets in new framework plans, with some supports not subject to funding periods (for example, some one-off purchases). If funding periods are set without sufficient regard to real-world service availability (including thin markets, waitlists, or workforce shortages), participants may be unable to implement supports within the period, undermining plan stability and increasing the likelihood of review activity (including consideration of decisions about funding periods and plan management). Rules and guidance should support funding-period settings that are workable in practice and responsive to participants' circumstances

Thank you for the opportunity to contribute to the consultation on New Framework Planning. We support reforms that improve transparency, consistency and participant experience, and we urge that the rules and guidance embed practical safeguards so participant rights and outcomes are protected in implementation. We would welcome ongoing engagement as the framework is refined and rolled out.