

# Supported School Transport and the National Disability Insurance Scheme Discussion Paper

*Disclaimer:*

*This document is for discussion purposes only. It is not a policy statement and should not be taken to represent the agreed views of the Australian Government or state and territory governments.*

**31 May 2018**

## Consultation arrangements – closing date 20 July 2018

Visit [engage.dss.gov.au](http://engage.dss.gov.au) to:

- download this Discussion Paper
- submit a written submission
- find out where and when workshops will be held in your state or territory

Alternatively, hard copy submissions can be sent to:

NDIS Transport  
Department of Social Services  
GPO Box 9820  
Canberra ACT 2601

Questions about the consultation process can be directed to [transport@dss.gov.au](mailto:transport@dss.gov.au)

# Contents

About this Discussion Paper.....	3
1. Introduction .....	5
2. Current arrangements .....	6
3. Potential models for supported school transport .....	7
3.1 Current arrangements remain.....	7
3.2 Supported school transport is included in the NDIS.....	7
4. Next steps .....	18
Appendix A: Complete list of consultation questions .....	19
Appendix B: Case studies.....	21
Appendix C: Terms used in this Discussion Paper .....	24

# About this Discussion Paper

The National Disability Insurance Scheme (NDIS) is changing how Australians with disability are provided with the supports they need to live an ordinary life. Central to the NDIS is the core objective that individuals have choice and control over how they select their services and supports to facilitate their participation in the community.

This happens through individualised funding for reasonable and necessary supports, aligned to a participant's goals. Under the NDIS, participants choose the providers that will deliver their supports and services, rather than providers being contracted by government.

Supported school transport is provided to some children and young people with disability so that they can travel to and from school. Currently, supported school transport is funded and delivered by state and territory governments and arrangements are different in each jurisdiction.

Governments have agreed that supported school transport is the responsibility of the NDIS<sup>1</sup> where a child is a NDIS participant. The intention is that the NDIS will be responsible for reasonable and necessary 'transport to and from a school/education facility required as a result of a person's disability (where no other option, such as public transport, is available or suitable and not substituting for parental responsibility)'. This means that supported school transport may be funded in an NDIS participant's plan when deemed reasonable and necessary.

The Australian Government, and state and territory governments have been working together to understand if and how supported school transport could be delivered in the NDIS.

This paper asks for feedback on how to make sure that if supported school transport is in the NDIS, it is safe, flexible, affordable and reliable. It explores how supported school transport could work in the NDIS in a nationally consistent way.

The potential model for delivery under the NDIS would be a big change from how supported school transport is currently delivered. It is important to carefully consider the risks and benefits of any changes.

There may be other options or models for supported school transport in the NDIS that need to be explored. There is also an option of maintaining current arrangements delivered by state and territory governments outside of the NDIS. Your ideas and proposals about other options or models are welcome.

---

<sup>1</sup> The *Principles to determine the responsibilities of the NDIS and other service systems* are a set of principles agreed by the Council of Australian Governments about how the NDIS interacts with other service systems, and which system is responsible for funding particular types of supports. [A copy of these principles can be found on the COAG website.](#)

A future model, and any alternative, requires further development. Your feedback will help governments to further understand whether supported school transport should be part of the NDIS, and, if so, define the features of the potential model, and any alternative, as well as the costs of providing supported school transport through the NDIS.

**Current supported school transport programs will remain the responsibility of state and territory governments until all governments have considered the outcomes of this consultation and agreed on an approach for the future. Any future changes to current arrangements will be clearly communicated and carefully staged so that participants, their families, schools and providers can prepare.**

# 1. Introduction

The NDIS is designed to empower participants by providing them with the right to exercise choice and control for the supports they receive, including who provides the support. Choice and control is a core principle in the NDIS legislation. For many people with disability, this is a big change in how they receive disability supports. Funded supports in a participant's NDIS plan must be 'reasonable and necessary', which means they help participants achieve their goals, maximise their independence and participate in the community. Reasonable and necessary supports also need to take into account what level of support is reasonable for families to provide for a child, whether the support is value for money and what is the responsibility of other service systems (for example, the public transport system).

The supports in an NDIS plan may include transport to and from school. When considering if supported school transport is reasonable and necessary, the National Disability Insurance Agency (NDIA) will also consider what transport is usual for other students who attend a school, and whether other supports (for example, vehicle modifications, travel training, etc.) may be more appropriate to meet a participant's needs and goals. The NDIA also considers what is reasonable to expect of parents, as NDIS funding for supported school transport is not intended to be a substitute for parental responsibility.

The current delivery of supported school transport is different in each state and territory. A key challenge is to determine how best to align eligibility, supports, and quality and safety arrangements nationally under the NDIS to ensure that students have access to supported school transport, no matter where they live. To deliver a national model, current arrangements in each state and territory would need to change significantly.

There are two broad options:

1. **Maintain current arrangements:** While current arrangements have limited choice and control for families and equity across school systems, if a model for school transport within the NDIS is not supported, states and territories could retain responsibility.
2. **A new potential model for supported school transport in the NDIS:** In developing a potential model for supported school transport in the NDIS, governments have been working to understand:
  - how increased choice and control can be provided to students and their families in a way that is easy to understand and organise, recognising that choice and control can mean extra work for families;
  - how existing eligibility for current school transport programs aligns with the reasonable and necessary criteria for NDIS supports set out in the *NDIS Act 2013*;
  - the various approaches to service delivery to identify best practice;
  - how to ensure appropriate quality and safeguarding arrangements and determine clear responsibilities between states, territories, families, schools and providers; and

- the implications of moving from current arrangements to individual funding through NDIS plans and how this funding would be passed to providers.

Your feedback will inform whether and how supported school transport could operate efficiently, effectively and safely within the NDIS.

## 2. Current arrangements

In Australia, education is compulsory for children, who must either be enrolled in a school or registered for home education. For those enrolled in a school, it is the responsibility of parents to ensure that their children attend each day. In many instances, parents transport their children to and from school using a private car, or through other private transport with family or friends.

Students with the ability to travel independently are encouraged to do so, and may receive transport assistance funded by states and territories, such as public transport concessions and mainstream school buses. These services will not be replaced by the NDIS. An important principle is that school children and young people with disability should, to the extent they can, use mainstream travel options as other children do, because of the social benefits of inclusion.

State and territory governments currently provide supported school transport to eligible students with disability, based on set criteria taking into consideration the needs of the students and the availability of appropriate transport services. States and territories either deliver supported school transport services directly, or pay providers (such as bus operators) to deliver supported school transport to students with disability. Supported school transport provided by state and territory governments includes:

- specialised school buses, ranging from mini-buses to heavy passenger vehicles;
- other smaller transport vehicles and services;
- independent travel training; and
- allowances paid to parents where other options are not available.

Under the current arrangements, which vary across the country:

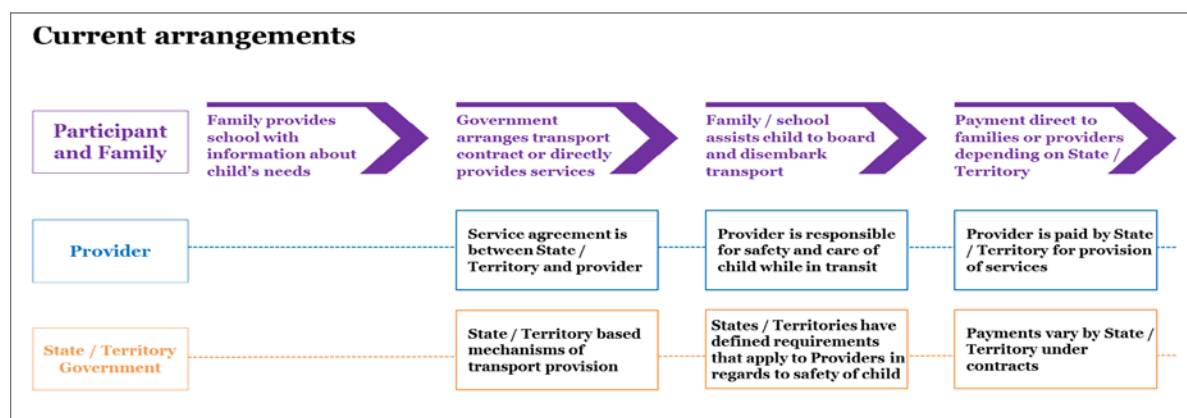
- state and territory governments determine eligibility and are usually responsible for route planning and coordination, setting and enforcing safety standards and paying transport providers; and
- families are responsible for ensuring their child boards and disembarks the transport in a safe and timely way and for contacting the school or transport provider if there are any changes or problems.

The full cost of supported school transport for eligible students in government schools is usually paid for by state and territory governments.

In non-government schools there are different approaches for supported school transport in different states and territories. Some non-government schools may have school-provided transport for students with disability, for example mini-buses. The funding for supported

school transport in non-government schools may come from several sources, including from school fees and government funding. Non-government schools are usually responsible for route-planning and coordination, setting and enforcing safety standards and paying transport providers.

**FIGURE 1: CURRENT ARRANGEMENTS FOR SUPPORTED SCHOOL TRANSPORT**



### Consultation questions

1. What works well with the current supported school transport service?
2. What could be improved?
3. Should current arrangements remain?

## 3. Potential models for supported school transport

### 3.1 Current arrangements remain

Although governments have agreed that supported school transport should be delivered under the NDIS, if no viable model is identified or supported, then governments could be asked to agree that current arrangements be retained. This would mean that state and territory governments would continue to deliver and fund supported school transport as per the arrangements outlined above, outside of the NDIS. Targeted consultations with parents, schools and transport providers conducted in 2017 identified that while choice and control and equity were important, most people were broadly supportive of the current arrangements.

### 3.2 Supported school transport is included in the NDIS

**This section outlines a *potential* model for how supported school transport could work in the NDIS.**

Under the NDIS, eligible participants would receive funding for support that is reasonable and necessary to assist their travel to and from school. These supports might include:

- supported school transport (specialist buses and other vehicles);
- other supports including chaperone/support persons to accompany the student to/from school;
- travel training to use public transport or regular school transport; or
- vehicle modification (for parents' vehicles where these are used to transport NDIS participants to/from school).

Where NDIS participants receive funding for supported school transport, they and their families would have the flexibility and choice to either:

- engage directly with transport providers, making service bookings and arranging payments; or
- use a service (such as a transport broker) to organise transport services on their behalf.

In line with the choice and control principles of the NDIS, participants and their families would be direct customers of supported school transport providers. They would agree whether the same driver or chaperone/support person will be provided, the route and time of pick-up and changes to destination where a participant is, for example, accessing respite care or attending an after-school program.

This potential model is a big change from how supported school transport is currently delivered. The main differences are:

- in line with the NDIS principles of choice and control, families/carers would be responsible for organising transport, or for getting a service (such as a transport broker) to organise it on their behalf;
- providers of supported school transport would be paid for their services out of NDIS plans instead of through contracts with government or schools;
- a new type of service, called a transport broker, would need to be created and be funded in participants' NDIS plans to organise supported school transport, where families choose this option; and
- the quality and safety of supported school transport providers in the NDIS would be overseen by the new NDIS Quality and Safeguards Commission.

Some of the benefits of the potential model are:

- it could provide more choice and control for families than the current arrangements, which is a key objective of the NDIS;
- existing providers could expand their business and new transport providers could begin to operate in some areas if there is enough demand; and
- there may be improvements to the quality and efficiency of supported school transport.

Some of the risks of the potential model are:

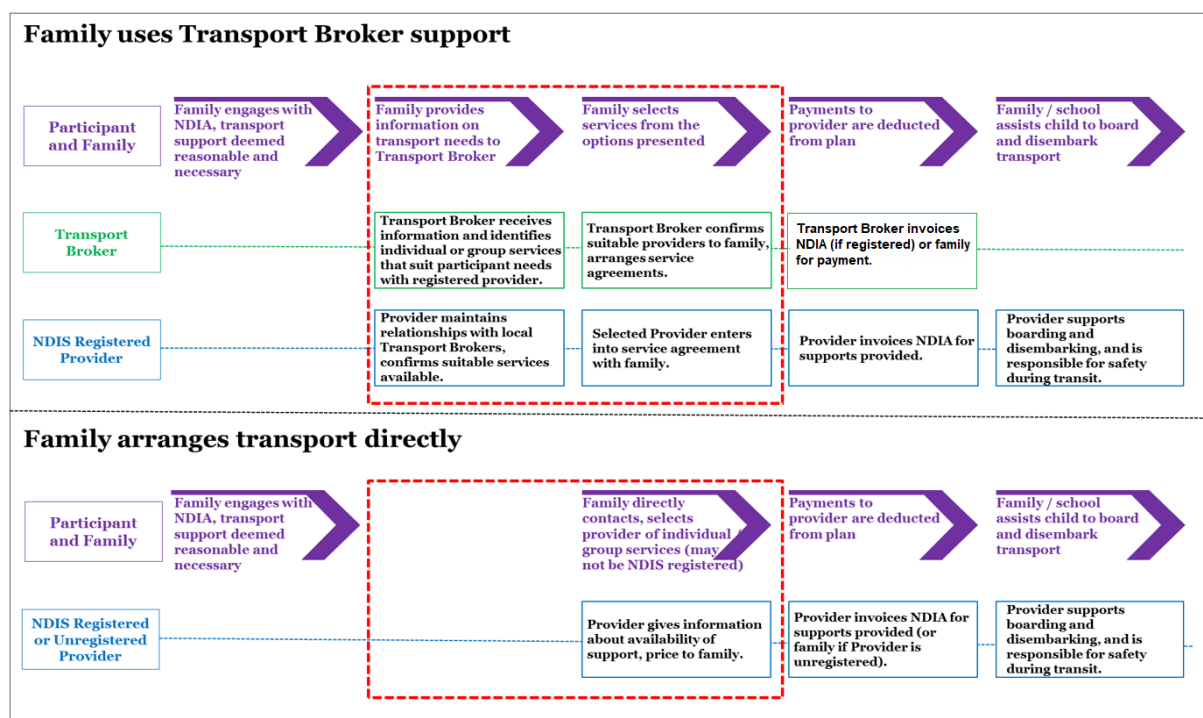
- the choices available will depend on the range of different transport providers offering services and in some areas there may be limited choice, or no choice;



- choice and control usually means extra work for families - families would be responsible for organising supported school transport directly, or for getting help to organise it;
- the role of transport broker, described in section 3.1.3, is a new service that doesn't currently exist. It will take time to develop the role and the market, if the potential model goes ahead; and
- the costs of the potential model need to be assessed in detail, informed by this consultation. It is not known if the potential model is viable or affordable.

Figure 2 shows the potential model for supported school transport. It is described in more detail in the sections below.

**FIGURE 2: A POTENTIAL MODEL FOR SUPPORTED SCHOOL TRANSPORT IN THE NDIS**



### 3.2.1 Participant planning - determining eligibility for supported school transport

**In the potential model, the NDIA would determine what funding for reasonable and necessary supports a participant needs to get to and from school.**

State and territory education systems and parents/carers would continue to be responsible for determining the most appropriate local school, or where appropriate, local special/support school to meet a student's educational needs. Parents/carers would continue to be responsible for organising transport to and from school, which might include private transport, public transport, or a school bus.

For some NDIS participants, it would be considered reasonable that private transport, public transport, or a school bus be used at the family's own expense. In the case of students who need supported school transport, states and territories (or non-government schools) would

no longer be responsible for determining access to this support by NDIS participants. Instead, the NDIA would determine any reasonable and necessary supports an NDIS participant may need to travel to and from school (whether a government or non-government school). The NDIS Act and NDIS Rules set out how these decisions are made.

Funding for reasonable and necessary supports would be included as part of the participant's NDIS plan and may include:

- supported school transport (specialist buses and vehicles);
- other supports including a chaperone/support person to accompany the student to/from school;
- travel training to use public transport or regular school transport; or
- vehicle modification (for parents' vehicles where these are used to transport NDIS participants to/from school); and
- funding for a transport broker, where families choose this option, to assist with organising supported school transport.

There may be some students with disability who currently receive supported school transport who will not be eligible for the NDIS. Governments have committed to ensuring people with disability who are receiving services are not disadvantaged in the transition to the NDIS. This means that students who are currently accessing a state or territory supported school transport program, but do not become a participant in the NDIS, will continue to receive a form of transport support to meet their school transport needs.

The case studies at the end of this paper (Appendix B) provide examples of the different options that families could choose under the potential model.

### **3.2.2 Choosing a provider of supported school transport**

**In the potential model, families/carers will choose the provider/s of supported school transport. Families may seek help from a transport broker to find providers that meet their requirements.**

Once a decision has been made regarding the level of funding a student is eligible to receive for supported school transport, NDIS participants and their families would need to arrange services from providers for all support requirements during transport to and from school.

In line with the NDIS principles of choice and control, families/carers would decide whether they wish to:

- identify and directly organise a provider/providers of supported school transport; or
- use a service (known as a transport broker – see next section) to help them organise supported school transport.

This would mean that families/carers (possibly with the assistance of a transport broker) would be responsible for negotiating the following details through a service agreement with transport providers:

- the type of transport services (mode of transport, vehicle type, chaperone/support person if required);
- price of transport services;
- routes to and from school, and pick up/drop off times;
- payment arrangements;
- duration of services and service agreement, normally for the school year;
- individual care plan for the child (includes behaviour support or any assistance with medication, mobility aids, etc) and who is responsible at which stage of the journey; and
- processes for changes to agreed services for example in case of illness and not attending school on a particular day, in the event of a vehicle breakdown or extreme weather conditions.

Participants and their families may choose to use NDIS registered or unregistered transport providers, noting that registration provides additional safeguarding assurances, including requirements about worker screening and the mandatory reporting of incidents of abuse or neglect. The case studies at the end of this paper (Appendix B) provide examples of the different provider options that families could choose under the potential model.

While this approach could increase choice and control for NDIS participants, it could create uncertainty for transport providers. Transport providers need to understand the demand, cost and pricing for their services, in order to be able to employ staff, lease or buy vehicles, maintain vehicles and meet safety standards. Currently providers of school transport services generally do so under a long-term contract for services at an agreed price through government procurement processes. In the potential model, providers would compete to provide services to individual families and children. Providers would potentially have much greater interaction with individual families than they currently do, resulting in the need for additional roles in their business. Some providers may find that they can expand their business in the NDIS.

### **Consultation questions**

4. What elements of choice and control are most valuable to families in accessing supported school transport?
5. What are the benefits to families/carers of directly organising supported school transport? What are the challenges? What are the risks?
6. For providers (or potential providers), what are the opportunities in having families/carers directly organise supported school transport? What new costs might be involved in the potential model? What are the risks for providers?
7. What level of flexibility would families be looking for in their supported school transport arrangements?

### 3.2.3 Transport Broker Role

**In the potential model, there would be a new type of NDIS service called a transport broker. The transport broker would assist families to find and engage transport providers that suit their needs. If families/carers choose a transport broker to organise supported school transport on their behalf, participants would get transport broker funding in their NDIS plans.**

A transport broker is a new type of service that would be funded through the NDIS. The purpose of the transport broker would be to help families find and engage suitable transport providers, instead of families having to seek out and engage in detailed discussions with multiple transport providers. Some of the things a transport broker could do include:

- assisting families/carers to develop travel plans;
- connecting families/carers with transport providers;
- assisting families/carers to negotiate service agreements with transport providers, including initial prices, routes, timing and payment policy, plans for the child's support and care responsibilities during travel;
- managing NDIS service bookings for supported school transport; and
- notifying the relevant authority of any concerns or issues relating to the child such as police, child safety authorities and the NDIS Quality and Safeguards Commission.

The transport broker role could be undertaken by existing NDIS providers, transport providers, or new NDIS providers. Transport brokers would need to have strong relationships with schools and transport providers, as well as with families and carers.

The transport broker role would not include:

- day to day planning and variations in a participant's travel. These would need to be agreed between families/carers and transport providers;
- coordinating route planning, which would be the responsibility of the transport provider; and
- general administration of transport services, which would be the responsibility of the transport provider.

The costs of delivering the transport broker service need to be informed by market testing with potential providers and would be assessed by governments as part of any decision on how supported school transport could work in the NDIS. There may need to be incentives to encourage providers to offer this service.

In some metropolitan areas it is possible that there would be multiple transport brokers operating. In some rural and regional areas it may take time to develop this service. There may be limited or no choice of transport brokers for families in some locations.

Participants and their families may choose to use NDIS registered or unregistered transport brokers, noting that registration provides additional safeguarding assurances, including requirements about worker screening and the mandatory reporting of incidents of abuse or neglect.

### Consultation questions

8. How could a transport broker help you manage supported school transport?
9. What are the benefits for families/carers of using a transport broker? What are the risks?
10. If you are an NDIS provider (or potential provider), what opportunities are there in this potential new service type? What are the risks? How would potential conflicts of interest be mitigated? What costs need to be factored in?
11. Should there be any restrictions over which services can be provided by the transport broker role?
12. What are the options if no transport broker exists?

### 3.2.4 Organising and scheduling routes

**In the potential model, families/carers would agree travel routes and scheduling with transport providers, or a transport broker could facilitate this process.**

Once a supported school transport provider has been selected, route planning and transport scheduling would need to be agreed. Transport providers would be responsible for the scheduling of routes. Families would negotiate with transport providers around individual needs and circumstances such as travel time and pick up and drop off points.

Under the potential model, as with current arrangements, families and schools would need to confirm their responsibilities for supporting students to board and exit safely from school transport vehicles.

Some transport operators may provide a supervisor or chaperone/support person for their vehicle. This would be part of their service model and costing. Some children might require an individual chaperone/support person which would be funded in the NDIS plan (if reasonable and necessary) and could be arranged by the family or the transport provider. The transport broker could assist the family or carer with this negotiation.

Families/carers, either directly or using a transport broker, would be responsible for including the details of all the agreed arrangements in a Service Agreement between the participant and their family and the provider. Families would need to notify schools of the arrangements in the Service Agreement so that schools have all the relevant provider contacts and are able to support students board and disembark.

### 3.2.5 Planning child support and care responsibilities

**In the potential model, the NDIS Quality and Safeguards Commission and state and territory governments would have responsibility for making sure the school transport system is high quality and safe for students. The service agreement would set out a child's individual care requirements**

Currently children using supported school transport are governed by state and territory regulations covering the safety and care of a child during the journey to school, including the logistics of boarding and disembarking. Parents currently work with transport providers or

government departments to ensure that their child's individual care needs are accommodated when travelling to and from school.

Under the potential model, service agreements entered into between transport providers and NDIS participants would need to clearly outline the responsibilities of families and transport providers in ensuring that the child's individual support and care needs are met.

The NDIS Quality and Safeguards Commission (the NDIS Commission) will provide a national approach to regulating the quality and safeguarding of supports provided to NDIS participants, in line with the NDIS Quality and Safeguard Framework.

[The Framework is available on the Department of Social Services website.](#)

A child's individual disability needs, and the specific roles and responsibilities for the transport process would be covered by service agreements entered into between transport providers and NDIS participants. Families/carers might use their current child support plans, or similar, to help inform the transport provider of the specific needs of their child during their journey to and from school. The service agreement could include elements such as:

- a child's medical action plan and/or behaviour support requirements;
- chaperoning arrangements, which may specify the need for consistency (ie a chaperone/support person who the child is used to travelling with);
- processes for boarding and disembarking, including safe restraint;
- what to do in the event that the parent/carer is not home at drop off time; and
- emergency contact details and action plans.

Parents could raise quality and safety concerns either directly with a provider, or through the Commission's complaint process.

In addition to the Commission, the current safety and care arrangements would still apply in the following state and territory legislation, regulation and standards and would remain the responsibility of states and territories:

- passenger transport legislation, regulations and standards;
- operator accreditation and driver authorisation legislation and regulations;
- motor vehicle safety and registration legislation, regulations and standards; and
- child protection legislation (working with children and vulnerable people background checks, incident reporting)

An outline of potential quality and safeguarding roles and responsibilities is outlined in the following table.

Entity	Role under current system	Role under potential model
Quality and Safeguard (Q&S) Commission	Not applicable	<ul style="list-style-type: none"> <li>• Sets quality and safety requirements for NDIS registered transport providers</li> <li>• Investigation of incidents relating to NDIS registered transport providers</li> <li>• Complaints management and investigation</li> </ul>
NDIA	Not applicable	<ul style="list-style-type: none"> <li>• Registers and regulates NDIS registered transport providers under the NDIS Quality and Safeguards Framework</li> </ul>
State governments (excluding schools)	<ul style="list-style-type: none"> <li>• Vehicle, driver and operator regulations</li> <li>• Working With Children Checks</li> <li>• Regulation of disability services</li> <li>• Quality and safeguards requirements in supported school transport contracts and/or regulation</li> <li>• Provider registration and regulation</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicle, driver and operator regulations</li> <li>• Working with Children Checks</li> <li>• Provider regulation (passenger transport)</li> </ul>
Parents	<ul style="list-style-type: none"> <li>• Inform Government or transport provider of a child's individual care requirements</li> <li>• Assist with boarding and disembarking at home</li> <li>• Advise school and transport provider of any changes to students travel arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Agree to a child's specific care requirements with service provider</li> <li>• Assist with boarding and disembarking at home</li> <li>• Advise school and transport provider of any changes to students travel arrangements</li> </ul>
Transport providers	<ul style="list-style-type: none"> <li>• Abide by state/territory transport provider requirements</li> <li>• Abide by relevant state legislation, including vehicle, driver and operator regulation and working with children</li> <li>• Accommodate individual Q&amp;S requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Abide by Q&amp;S Commission and NDIA requirements, including reporting of critical incidents</li> <li>• Abide by relevant state legislation, including passenger transport laws, vehicle, driver and operator regulation and working with children</li> <li>• Abide by individual Q&amp;S requirements as agreed with parents</li> </ul>
Schools	<ul style="list-style-type: none"> <li>• Assist with boarding/disembarking at school</li> <li>• Maintain relationship with school's supported transport provider</li> </ul>	<ul style="list-style-type: none"> <li>• Assist with boarding/disembarking at school</li> <li>• Maintain relationship with parent and child's transport provider</li> </ul>

### Consultation questions

13. What systems need to be in place to make sure that children are safe when travelling to and from school?
14. What responsibilities should transport brokers and transport providers have to keep children safe? What should be the responsibilities of parents and schools?
15. What other mechanisms are needed to keep children safe?

### 3.2.6 Pricing

**In the potential model, pricing of supported school transport would be determined by the NDIA, transport brokers and providers of supported school transport.**

Informed by this consultation, further work needs to be undertaken to understand the cost of delivering reasonable and necessary supported school transport supports under the potential model. The model needs to be affordable for families and all governments (which have joint funding responsibility for the NDIS), viable for transport operators and the market, and inclusive of all communities including rural, regional and remote areas.

As part of the work to develop the potential model, and using feedback from this consultation, the NDIA would need to undertake an analysis of what are suitable prices for transport brokers and supported school transport which take account of local circumstances. It is anticipated that this work would be done by September 2018 and would be part of the advice to governments about how supported school transport could work in the NDIS.

Providers would also need to determine their operating costs, to understand what they would charge for their service, based on their operating costs. There may be greater costs in regional and rural areas due to longer distances travelled and smaller participant numbers in order to support a participant to access their nearest appropriate school.

### Consultation questions

16. What factors will the NDIA need to consider in understanding the costs of the potential model?
17. What information do providers need to be able to understand the operating costs of the potential model?

### 3.2.7 Payments

**In the potential model, families would pay service providers and the transport broker out of funding in the participant's NDIS plan.**

Under the potential model for supported school transport, state and territory government departments (or non-government schools) would no longer be responsible for payments to transport providers.

Instead, funding in NDIS plans would cover a participant's reasonable and necessary supports for school transport and for transport brokers, where families choose to use one. In line with the choice and control principles of the NDIS, families will be responsible for



arranging payments to transport brokers (if they choose to use them) and providers of supported school transport through the NDIS plan.

NDIS registered transport providers would invoice/claim payments from the NDIA via the provider portal.

If required, the transport broker would assist families by monitoring provider claiming to ensure they claim payment for services in a timely way.

Participants who receive NDIS financial assistance for plan management would be able to choose to have transport provider payments included as part of this assistance.

### **Consultation questions**

18. What are the benefits to families of managing provider payments themselves? What support would be helpful in managing this?

19. For current providers (and potential providers), what changes would providers need to make to move from block funding to individual funding? What are the costs involved? What are the opportunities? What are the risks?

### **3.2.8 Day-to-day administration and logistics**

**In the potential model, families would raise any issues or day-to-day changes to travel plans with transport providers directly, while transport providers would be responsible for communicating with their clients on day-to-day issues.**

Day-to-day administration and logistics are currently coordinated by state and territory government departments (or by non-government schools). As happens with current arrangements, under the potential model, participants and their families would need to regularly communicate with, and inform transport providers of any updates or minor changes to service needs. If more substantial or permanent changes are required, this would be through agreed changes to the service agreement.

Transport providers may currently have limited and structured administration contacts. Under the potential, model transport providers would be responsible for communicating and coordinating with all of their clients directly.

Schools may need to deal with increased traffic at drop-off and pick up times.

### **Consultation questions**

20. What would the impact be on schools, local community or local governments regarding the logistics and management of potential increased traffic during busy times?

### **3.2.9 Other things that may be affected by the potential model**

Under the potential model, some existing quality and safety measures may need to be replaced by new procedures or guidelines. Any changes to supported school transport would need to maintain, or improve on, the current quality and safety arrangements. Current measures that may be impacted include:

- legislative frameworks which regulate education, passenger transport services, vehicle safety and driver suitability;
- working with children and vulnerable people background checks;
- state and territory departmental policy, procedures and guidelines
- Code of conduct, or conditions of travel; and
- state and territory procurement contracts with providers.

State and territory legislative and regulatory frameworks will remain the responsibility of jurisdictions.

Responsibilities and liabilities must be resolved between the Australian Government, NDIA, state and territory governments and non-government schools, especially in relation to children's safety and care, before supported school transport could transition safely to the NDIS. Governments and the NDIA will work with stakeholders to resolve these issues so that stakeholders are comfortable with their roles and responsibilities for supported school transport under the NDIS.

### Consultation questions

21. How does the potential model improve on the current arrangements for supported school transport?
22. Do you have any other feedback about the potential model for supported school transport in the NDIS?
23. What other options could be explored?

## 4. Next steps

To compliment this Discussion Paper, some face-to-face consultations will be held in each state and territory commencing shortly. Further detail will be published on [engage.dss.gov.au](http://engage.dss.gov.au).

Feedback from this Discussion Paper and workshops will be considered by governments.

Informed by feedback from the consultation, detailed costing of the potential model, and any alternatives, will also be undertaken and further market testing will need to occur before governments can make a decision.

Governments will provide an update on this work by September 2018.

**Current supported school transport programs will remain the responsibility of state and territory governments until all governments have considered the outcomes of this consultation and agreed on an approach. Any future changes to current arrangements will be clearly communicated and carefully staged so that participants, their families, schools and providers can prepare.**

# Appendix A: Complete list of consultation questions

1. What works well with the current supported school transport service?
2. What could be improved?
3. Should current arrangements remain?
4. What elements of choice and control are most valuable to families in accessing supported school transport?
5. What are the benefits to families/carers of directly organising supported school transport? What are the challenges? What are the risks?
6. For providers (or potential providers), what are the opportunities in having families/carers directly organise supported school transport? What new costs might be involved in the potential model? What are the risks for providers?
7. What level of flexibility would families be looking for in their supported school transport arrangements?
8. How could a transport broker help you manage supported school transport?
9. What are the benefits for families/carers of using a transport broker? What are the risks?
10. If you are an NDIS provider (or potential provider), what opportunities are there in this potential new service type? What are the risks? How would potential conflicts of interest be mitigated? What costs need to be factored in?
11. Should there be any restrictions over which services can be provided by the transport broker role?
12. What are the options if no transport broker exists?
13. What systems need to be in place to make sure that children are safe when travelling to and from school?
14. What responsibilities should transport brokers and transport providers have to keep children safe? What should be the responsibilities of parents and schools?
15. What other mechanisms are needed to keep children safe?
16. What factors will the NDIA need to consider in understanding the costs of the potential model?
17. What information do providers need to be able to understand the operating costs of the potential model?
18. What are the benefits to families of managing provider payments themselves? What support would be helpful in managing this?

19. For current providers (and potential providers), what changes would providers need to make to move from block funding to individual funding? What are the costs involved? What are the opportunities? What are the risks?
20. What would the impact be on schools, local community or local governments regarding the logistics and management of potential increased traffic during busy times?
21. How does the potential model improve on the current arrangements for supported school transport?
22. Do you have any other feedback about the potential model for supported school transport in the NDIS?
23. What other options could be explored?

## Appendix B: Case studies

### Case study: Use of a Transport Broker

Frances is an eight year old NDIS participant with severe cerebral palsy and a mild intellectual disability. She uses a motorised wheelchair to move about and attends a school that provides a specialist program for children with disabilities that is located 18 kilometers away from her home. Her wheelchair is unable to be accommodated in the family car.

Based on Frances' requirements, the NDIA assesses Frances as being eligible to receive transport supports in her plan and provides funding based on the types of supports she needs, including consideration of the distance travelled.

To assist in sourcing transport providers, Frances' family engage a Transport Broker. The Transport Broker knows about the seven school transport providers who work in the area, and after contacting each provider to outline Frances' needs, the Transport Broker identifies three providers who would be able to accommodate Frances using their existing routes or as a new route with other families. The providers give the Transport Broker an overview of the service that they could provide, including the vehicle type, staffing, estimated time of pick-up and drop-off at each end, and price for those supports.

The Transport Broker presents this information to Frances' family. Based on the information available, Frances' family engage Provider A for the journey to school, and Provider B for the journey home, taking into account price, journey time and suitability for Frances' needs. The Transport Broker arranges the relevant service agreements and the providers invoice the NDIA for services provided, with payments deducted from Frances' plan.

On a daily basis, Frances' family and Provider A assist her to board the vehicle while remaining in her chair. The transport provider is aware of Frances' needs, and takes responsibility for ensuring she is safe and comfortable during the journey and is able to work with school staff at the end of the transport journey to school to help Frances off the vehicle.

Provider B, who is responsible for Frances' journey home, assists Frances to board after school, ensures her safety and comfort during the trip, and assists her family to help her off the vehicle at home. These requirements are set out in the service agreement with each provider.

When there is an issue that occurs, such as Frances not attending school due to illness, her family contacts the service provider directly to make appropriate arrangements.

### **Case study: Direct engagement with a registered provider**

Sarah is a seven year old NDIS participant with autism. She requires a chaperone/support person to accompany her to and from School A that provides a specialist program for children with disabilities. Sarah has two other siblings who go to School B which is located 27 Km away from School A. Her siblings are driven to and from school each day by their mother.

Based on Sarah's requirements, and the family's circumstances, the NDIA has assessed Sarah as eligible to receive transport supports in her NDIS plan.

Sarah's mother investigates which providers operate nearby that are able to provide school transport for children with autism. She identifies four providers and calls each of them to discuss the services they are able to offer, including chaperone/support person support, price, pick-up and drop-off times and procedures, and their policies and guidelines on safety and care of children. She decides to directly engage with Provider C, which is a registered provider. As a registered NDIS provider, Provider C is subject to the NDIS Code of Conduct and required to comply with obligations including: notifying the NDIS Quality and Safeguards Commission of incidents of abuse and neglect, adhering to quality standards, ensuring relevant workers have worker screening clearance and reporting on all uses of restrictive practices under the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Act 2017*. Complaints can be made to the NDIS Commission about Provider C.

Sarah's mother negotiates a service agreement with Provider C. Provider C invoices the NDIA each month, with payments deducted from Sarah's plan.

Each morning Sarah is picked-up from home by Provider C where she is then cared for by a chaperone/support person until she is dropped off at school. At the end of each day, school staff make sure Sarah is picked up by Provider C, who is responsible for Sarah's comfort and safety during the trip home.

### **Case study: Direct engagement with an unregistered provider**

Tom is a fourteen year old NDIS participant living in a regional area of Australia who needs to travel for one hour each day to get to and from school. Tom has a functional mobility impairment which means he is unable to get up and down the stairs of the local school bus. An NDIA assessment of Tom takes into consideration his requirements, and the ability to access transport supports in the regional area where he lives. The NDIA has assessed Tom as being eligible to receive transport supports in his plan.

Tom's family investigate the local transport support options but decide that there are few options available other than to use the services of Provider D, who provide private car and driver hire nearby to where Tom lives. Provider D is not an NDIS registered provider. As an unregistered provider, they are subject to the NDIS Code of Conduct and the NDIS Quality

and Safeguards Commission can receive complaints about Provider D and take regulatory action.

Tom's family negotiate a service agreement with Provider D. Provider D invoices Tom's family, with Tom's family responsible for making payments. Payment deductions are made from Tom's plan to then reimburse his family.

## Appendix C: Terms used in this Discussion Paper

Term	Definition
<b>National Disability Insurance Agency – NDIA</b>	The National Disability Insurance Agency is the agency responsible for delivering the NDIS, which is governed by the accountable authority, the National Disability Insurance Agency Board.
<b>National Disability Insurance Scheme – NDIS (the Scheme)</b>	The National Disability Insurance Scheme is a new way of providing support to people with disability in Australia. It gives people with disability more choice and control over the supports they access.
<b>NDIS Quality and Safeguards Commission (the Commission)</b>	The Commission will provide a national approach to regulating the quality and safety of NDIS supports. The Commission will commence operations in New South Wales and South Australia on 1 July 2018.
<b>NDIS Quality and Safeguarding Framework</b>	A Framework to make sure that NDIS participants have access to safe and quality supports, free from abuse, neglect and exploitation. A NDIS Quality and Safeguards Commission will commence operation from 1 July 2018.
<b>Reasonable and necessary</b>	<p>Decisions about reasonable and necessary supports are based on the National Disability Insurance Scheme Act 2013 (NDIS Act), rules made under the NDIS Act, and operational guidelines that relate to each specific support. In order to be considered reasonable and necessary, a support must:</p> <ul style="list-style-type: none"> <li>• be related to the participant’s disability</li> <li>• not include day-to-day living costs that are not related to a participant’s disability support needs</li> <li>• represent value for money</li> <li>• be likely to be effective and beneficial to the participant, and</li> </ul>



Term	Definition
	<ul style="list-style-type: none"> <li>take into account informal supports given to participants by families, carers, networks, and the community</li> </ul>
<p><b>Supported school transport</b></p>	<p>Many states and territories refer to this as supported school transport under current arrangements. For the purpose of this paper and the potential model this is referred as supported school transport.</p> <p>Different government departments in each jurisdiction currently provide supported school transport, which includes specialist buses and vehicles, and other supports including a chaperone/support person to accompany the student to/from school; travel training to use public transport or regular school transport; and vehicle modification (for parents' vehicles where these are used to transport NDIS participants to/from school).</p>
<p><b>Transport Broker</b> <b>(This support does not yet exist within the NDIS)</b></p>	<p>A Transport Broker would be a new role that acts on behalf of families/carers to identify transport providers to meet participant needs, negotiate service agreements, organise and schedule of transport routes and make service bookings.</p>