

Disability Support Services



Review Panel Terms of Reference (ToR) changes

In August 2024, steps were put in place to stabilise the Disability Support System (DSS). This was in response to an [Independent Review](#).

NASCs and EGL sites now work within budgets, which are greater than their spending in the last financial year. The residential component of their budgets is larger than their spend on residential care last year.

We continue to work closely with NASCs and EGL sites to help them manage the opportunities and challenges of managing budgets. The Review Panel Terms of Reference (ToR) changes are a result of feedback from NASCs and EGL sites.

What has changed?

DSS has updated the Review Panel's ToR.

The most significant change will give NASCs and EGL sites the ability to manage cases where there is a potential for a high risk of harm if a disabled person is unable to enter residential care.

This means the Review Panel can consider specific high priority cases even when NASCs and EGL sites cannot offer assurance that there is availability within their immediate residential budgets.

NASC and EGL sites will not need to confirm they have budget immediately available for the Review Panel to endorse a new entry to residential care.

They will need to provide assurance that they will take reasonable and practical steps to return to being within budget within the financial year.

This will ensure NASCs and EGL sites are supported to manage high priority situations where there could be an identifiable health or safety concern.

DSS is working closely with NASCs and EGL sites to strengthen their budget management and forecasting ability.

Additional changes

- Require all new residential entries to be referred to the Panel.
- Further clarification on which funding packages do not need to be referred to the Panel.
- Clarify what funding should be excluded when deciding whether thresholds for packages referred to the Panel have been met.
- Provide more detail about the types of evidence required by the Panel.

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A series of minor changes have also been made to clarify responsibilities and improve readability.

What stays the same?

- Cabinet's decisions resulting from the [Independent Review](#).
- [Operational Policy and Guidance 2024/25](#).

Ability for NASCs and EGL sites to manage cases and respond to situations where there are health and safety concerns

The ToR now enables NASCs and EGL sites the ability to submit requests to the review panel where they cannot guarantee immediate budget availability when all the following circumstances apply:

- The person fits within the high priority categories for entry into residential care that are described in paragraph 25 of the Operational Policy, and/or there is a reasonably foreseeable and imminent risk of serious harm that cannot be addressed through non-residential support options.
- The NASC or EGL site provides assurance to the Review Panel they are taking reasonable and practical steps to return to being within the budget within the financial year.

Changes to packages to be referred to the Panel

All new residential entry decisions need to be referred to the Panel.

What does not need to be referred to the Panel

Price increases that arise in the following situations **do not** need to be referred to the Panel:

- increases of less than \$5,000 a year to the DSS contribution to support packages, where the packages are managed by Health NZ
- increases developed using the Transparent Pricing Model that result from people moving between residential facilities or the reallocation of joint costs within a facility
- packages that remain at the same cost or reduce in value.

Exclusions when determining whether thresholds are met

NASCs and EGL sites should exclude the following funding when determining whether funding thresholds to be considered by the Review Panel have been met:

- funding contributions from another government agency, such as Health NZ
- the following services funded by DSS:
 - MSD Vocational Services funding that has been transferred to DSS

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- one-off early investment or immediate resourcing funding that is expected to last less than 12 months
- Behaviour Support Services funding.

Note: when a package is referred to the Panel, it may need to consider whether the package as a whole (i.e., incorporating the excluded funding), responds to the person's needs.

Evidence required by the Panel

The ToR now requires the following evidence:

- primary evidence (e.g., health practitioner notes or reports, or a recently completed needs assessment or good life plan) should be provided rather than secondary information (e.g., discussions about primary evidence)
- sufficient evidence to demonstrate all the criteria relevant to a decision have been met
- is sufficiently recent to show what changes (if any) have affected the level or type of support allocated to a person.