

NDIS Service Agreements

This fact sheet is about agreements between an NDIS Participant and their service provider/s. It is for:

- people who are managing their own NDIS plan, and
- people who are managing an NDIS plan on behalf of another person.

It is targeted to situations where the service provider hands you a service agreement to sign.

- What can you do?
- What are your rights?

Please note: this fact sheet is written as if the participant will negotiate and sign the service agreement themselves.

Sometimes this will not be the case. The participant may not wish to manage their contracts or may not have capacity to do so.

If you are managing/signing on behalf of a participant, the information is still relevant.

What is a Service Agreement?

A service agreement is a legal contract between you and the service provider that sets out what service/s they will provide and how much you will pay them. It sets out other things you both have to do so that the arrangement can work.

A service agreement is a legal document and by signing it, you are both agreeing to follow whatever is in it, unless you both agree to change it.

You can write up your own service agreement and ask the service provider to sign it. This gives you control and you can make sure you have what you want in it.

Or you and the service provider can both work on your service agreement together.

But often the service provider (especially if they are a larger organisation) will have a standard service agreement that they will ask you to sign.

What do I do if I am handed a Service Agreement to sign?

The main thing to remember is that you have choice and control about how services are going to be delivered to you.

Before you sign, you can ask to take a copy of the agreement and read it later.

You can ask other people you trust to have a read of it also. Then, when you are ready, you can say to the service provider:

- "I have a few questions to ask before I decide" or
- "Yes, I agree, I will sign it" or
- "No, I don't agree, I want to do up my own agreement and I will ask you to sign that one" or
- "I want to make some changes to it that will suit me better before I sign."

It is Ok for you to ask questions about what is in the agreement.

It is Ok for you to make sure the agreement suits you.

What should be in my service agreement?

The agreement should clearly state:

- What supports will be provided, how they will be provided, when they will be provided, who will provide them and how much they will cost.
- What is expected of the participant and the service provider.
- How payments will be made.
- How to make changes to the agreement.
- How to end the agreement.
- What to do if there is a problem.

Double-check that the agreement suits your needs

Draw up a list of "what if" questions (as many as you can think of) - your agreement should cover all of these, for example:

- What if I need to contact the service provider quickly - is there a name and direct phone number I can use?
- What if I don't want the service provider to come to my house on a particular day?
- What if I don't get on with the person who is supporting me?
- What if I keep getting different support people?

Things to look out for

You should be able to understand every bit of the agreement. There is no need for it to be long or complex. If it is complex, then it needs to be changed so that it is easy to understand.

In addition, you have the same rights as anyone else to privacy, to be free from exploitation or abuse, to be able to express your views and to be respected. You can put these things in your agreement either in general terms or there may be particular things you can think of. For example, "I do not want my service provider to use any of my things while they are at my house, unless I give them permission".

You can compare the service agreement to what the NDIA has on their website about what should be in agreements. There is an example on the NDIA website *Guide to Service Agreement-National Disability Insurance Scheme, Making a Service Agreement with your Provider (s)*, available on: <https://www.ndis.gov.au/document/service-agreements-providers.html>

Further information

Service agreements

Information and an example service agreement can be found on the NDIS website at <https://www.ndis.gov.au/document/service-agreements-providers.html>

Please Note:

This Fact Sheet contains general information only. It does not constitute legal advice. If you need legal advice please contact Basic Rights Qld on **3421 2510** or **1800 358 511**.

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We are independent of Centrelink and all assistance is free

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