



GPO Box 700  
Canberra  
ACT 2601  
1800 800 110  
[ndis.gov.au](https://www.ndis.gov.au)

Office of the CEO

Senator Janet Rice  
Chair  
Senate Community Affairs References Committee

Via email: [Community.Affairs.Sen@aph.gov.au](mailto:Community.Affairs.Sen@aph.gov.au)

Dear Senator Rice

Thank you for your letter of 12 August 2023.

The National Disability Insurance Agency (NDIA) acknowledges the Senate Community Affairs References Committee's (the Committee's) work to date to improve the access to assessment and support services for people with attention deficit hyperactivity disorder (ADHD).

The National Disability Insurance Scheme (NDIS) is an insurance-based scheme and takes a lifetime approach, investing early in people with disability and children with developmental delay to improve their outcomes later in life. The NDIS provides assurance to people with permanent and significant disability or developmental delay, and to people who might acquire disability or developmental delay, that they will get the support they need.

The NDIA does not have a role in diagnosing or assessing individuals who may have ADHD, rather it provides funding to eligible people based on their individual disability support needs. For this reason, this response does not provide expert opinion on best practices approaches for people with ADHD, and instead sets out how the NDIA makes decisions on whether people with ADHD are eligible for the NDIS, and whether the NDIA will fund supports in a participant's plan.

The NDIA decides eligibility for the NDIS based on a person's impairment/s, rather than their disability or diagnosis. The NDIA staff consider evidence provided by the person on their impairments and how it affects their functional capacity, and will assess this against the NDIS eligibility criteria.

The NDIS eligibility criteria are explained in Our Guideline – Applying to the NDIS, which is available at <https://ourguidelines.ndis.gov.au/>.

To meet the disability requirements, a person must provide evidence on the following:

- they must have a disability caused by an impairment;
- their impairment must be likely to be permanent. The evidence must demonstrate there are no further known, available and appropriate evidence-based treatments likely to remedy (that is, cure or relieve) the impairment. There must also be evidence that the impairment does not require further medical treatment or review to demonstrate the impairment is likely to be permanent;
- their impairment means they have a substantially reduced functional capacity to do one or more daily life activities. These activities include moving around, communicating, socialising, learning, undertaking self-care, or self-management tasks;
- their impairment affects their ability to work, study or take part in social life; and
- they will likely need NDIS supports their whole life.

ADHD may meet the permanency criterion if there were no known evidence-based treatments likely to cure or substantially relieve the impairment.

For many people with ADHD, there are treatments available which have been evidenced to reduce the functional impairment resulting from their ADHD diagnosis. The applicant's treating professional will be asked to certify if there are medical, clinical or other treatments likely to remedy their ADHD impairment/s.

The NDIA would need to understand whether there are treatments which are:

- known and available;
- appropriate for the person and their impairment; and
- evidence-based – that is, there is proof they are likely to be effective.

The word treatment should be understood in the broad sense to include changes to diet and lifestyle.

If an applicant is undergoing or has recently had treatment, the NDIA would need to know the outcome of the treatment before deciding if their impairment is likely to be permanent.

People who are not eligible for the NDIS can still receive support to access mainstream and community supports. Mainstream supports are the supports available from other government funded services, such as health, mental health and education. Community supports are available through community organisations, like religious groups and supports from local councils.

The NDIA partners in the community program can help connect people with mainstream and community supports available in their community, as well as provide information about what supports are provided by state and territory governments. Information about how to find a NDIS partners in the community is available on the NDIS website at <https://www.ndis.gov.au/understanding/what-ndis/whos-delivering-ndis/lac-partners-community>.

Children younger than 9 who do not fully meet the definition of developmental delay and have developmental concerns (regardless of aetiology) are supported through the NDIA early childhood approach.

The early childhood approach was developed based on evidence-based research with the help of leading experts in early childhood intervention. Through early childhood intervention, infants and young children as well as their families, can get specialised supports and services. The NDIA's Our Guideline – Early childhood approach outlines the approach to early childhood intervention, which is available at <https://ourguidelines.ndis.gov.au/>.

I look forward to the Committee's recommendations from this inquiry.

Yours sincerely

**Rebecca Falkingham**  
Chief Executive Officer  
National Disability Insurance Agency

10 October 2023