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| Billing and clear description of services provided |
| Guidance for supported residential services |
| OFFICIAL |

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Where a resident receives National Disability Insurance Scheme (NDIS) funded services at a supported residential service (SRS), proprietors should ensure that there are clear written descriptions of and billing for each service a resident receives. This guidance sets out compliance expectations for SRS proprietors who deliver or facilitate NDIS funded services in relation to service descriptions and fees.

# Services provided by the SRS & associated costs

There are several requirements under the *Social Services Regulation Act 2021*, the *Social Services Regulations 2023* and the *Social Services (Supported Residential Services) Regulations 2024*, for proprietors to provide information to residents and prospective residents about the services provided by the SRS and the associated costs. These are set out in the table below.

Requirements relating to providing information about services and costs

| Provision | Requirement |
| --- | --- |
| Division 7 of Part 9 of the Act  Regulation 17 of Schedule 1 of the *Social Services Regulations 2023*  Regulations 6 and 8 of the *Social Services (Supported Residential Services) Regulations 2024* | Proprietors must provide prospective residents with particular information, including details about the items and services provided by the SRS and the relevant fees |
| Section 224 of the Act  Regulation 9 of the *Social Services (Supported Residential Services) Regulations 2024* | A residential and services agreement (RSA) must be prepared **within 48 hours** of a resident’s admission to the SRS. It must clearly state the items and services provided by the SRS and the current fee, charge or other amount that is or may be payable by the resident to the proprietor |
| Regulations 9 and 12 of the *Social Services (Supported Residential Services) Regulations 2024* | Both an interim and ongoing support plan must be prepared, including information about the services to be provided to the resident to assist with their health and personal support needs |
| Section 254 of the Act | Proprietors must ensure that all expenses and fees charged to a resident are individually itemised and explained to the resident |

# Residential and services agreement

The residential and services agreement (RSA) must specify what personal support services the SRS will provide and what fees the resident must pay for these services.

Under the Act, ‘personal support’ means providing one or more of the following:

* assistance with personal hygiene, toileting or dressing
* assistance to achieve and maintain mobility
* support to seek out and maintain contact with health professionals, social networks, family, friends and the community
* emotional wellbeing support
* assistance with or supervision in administering medication
* assistance with eating and maintaining adequate nutrition.

SRS are not clinical settings and are not intended to address extreme functional impairment or very high individualised support needs. An SRS provides lower-level support to assist residents maintain their health and wellbeing.

In contrast, NDIS supports are **over and above** SRS supports. They are personalised support for people with complex or higher care needs, and must be delivered as separate, distinct services.

NDIS funded services should not be listed in a resident’s RSA. These supports are not provided by the SRS and cannot be charged to the resident via their SRS fees.

An SRS resident who is also an NDIS participant must receive both the personal support services they pay the SRS for, and any additional support they are entitled to receive under the NDIS. If there is duplication between the services listed in the RSA and the NDIS Service Agreement, the resident must receive all aspects of each service independently.

# Support plans

A resident’s ongoing support plan must include their health and personal support needs and the services to be provided to assist with those needs. For residents that are also NDIS participants, this should include details about their NDIS funded services.

# Fees and charges

There are limits on the types and amounts of fees and charges that a proprietor can ask a resident to pay. For example, it is an offence for a proprietor to request that a resident to pay any amount other than for certain items listed in section 240 of the Act, such a security deposit and fee in respect to the resident’s accommodation and personal support. A proprietor should not ask a resident to pay for NDIS services through their SRS fees.

# Double dipping

Proprietors must not ‘double dip’ by charging a resident both through SRS fees and a deduction in NDIS funds for materially the same service that is already provided by the SRS. NDIS funded services must be delivered and invoiced separately to the personal support services listed in a resident’s RSA.

While SRS and NDIS funded services may have similar characteristics, the level of assistance is likely to differ and a resident who is also an NDIS participant is entitled to receive all aspect of both services.

# Compliance and enforcement

The Social Services Regulator (the Regulator) administers the Act and the Regulations, and monitors compliance by SRS proprietors to ensure they meet their obligations.

The Regulator may take regulatory action where an SRS does not have adequate processes in place to separate its SRS and NDIS supports.

Where relevant, the Social Services Regulator will notify NDIS of non-compliance matters so that they may consider regulatory action.

For more information about the Social Services Regulator and its regulatory approach, visit the Social Services Regulator’s webpage <https://www.vic.gov.au/social-services-regulator>.

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